
(2020) 02 NCLT CK 0110

In the National Company Law Appellate Tribunal

Case No : Company Application No. 182, 340, 343, 1122, 1123/C-V/ND Of 2020
And (IB) No. 1896/ND Of 2019

Intect Capital Ltd

APPELLANT

Vs

GSS Procon Pvt. Ltd

RESPONDENT

Date of Decision : 11-02-2020

Acts Referred:

Insolvency And Bankruptcy Code, 2016 — Section 12

Citation : (2020) 02 NCLT CK 0110

Hon'ble Judges : Abni Ranjan Kumar Sinha, J;Kapal Kumar Vohra, Member
(Technical)

Bench : Division Bench

Advocate : Ketan Madan, Ajay Bansal, Vipul Agarwal, Deepak Anand

Final Decision : Disposed Of

Judgement

CA-340

The present CA has been filed on behalf of RP praying therein to give necessary directions to the respondent No. 1 to provide assistance and co-operation to the applicant and given information and documents which is imperative to manage the affairs of the Corporate Debtor.

Vide order dated 29.01.2020, the notice was delivered upon the respondents No. 1 to 5 through speed post and E-mail. He further submitted that the mail sent to the respondents/Ex-Directors are not bounced back and on the basis of that he prayed to issue bailable warrants against the respondents. In the light of the submissions made on behalf of the RP, we have gone through the affidavit of service filed on behalf of the RP and we find that although the notice was sent through speed post but the tracking report is not enclosed by the RP therefor, before taking any coercive step, we think it proper to ensure whether the notice was delivered upon the respondent or not. Accordingly, RP is directed to file tracking report supporting with an affidavit.

CA-343

Notice be issued to Corporate Debtors/Respondent by all modes including process of the bench. Affidavit of service to be filed by the next date of hearing i.e. 17.02.2020.

CA-1123

The present CA has been filed on behalf of RP praying therein to extend the period of CIRP beyond the period of 90 days which is ending on 07.04.2020. We have heard the Ld. Counsel for the RP and perused the averments made in the application as well as resolution of CoC.

Ld. Counsel for the RP submitted that vide resolution dated 24.001.2020, the CoC has considered the proposal for extension of CIRP by 90 days which is reflected from Item No. 11 of the paper book and therefore, the prayer may be allowed to extend the period of CIRP by 90 days.

Considering the submissions made on behalf of the RP and going through the averments made in the application as well as resolution we find that at item No. 11, the CoC in its meeting considered the extension by 90 days under Section 12 of IBC and that has been approved by 79.55 per cent of votes at page 12. Therefore, considering these facts, we hereby approve the resolution of the CoC and extend the period of 90 days. With this the present CA is disposed of.

CA-1122

The present CA has been filed on behalf of IRP claiming therein to appoint IRP Mr. Sunil Kumar Agarwal as RP. Perused the averments made in the application as well as minutes of the CoC meeting dated 24.01.2020.

Ld. Counsel for the IRP submitted that in the meeting dated 24.01.2020 at page 15 item No. 17 of the application, apart from the name of Mr. Sunil Kumar Agarwal, the name of one Mr. Rajesh Mittal was also proposed to appoint as RP but the name of Mr. Sunil Kumar Agarwal was approved by 77.52 percent of the board whereas the name of Mr. Rajesh Mittal was not approved by majority votes. Therefore, the present application has been filed to approve the name of Mr. Sunil Kumar Agarwal to act as a Resolution Professional which is approved by the majority votes.

Considering the submissions made on behalf of the IRP and on the basis of the resolution, which is available at item No. 17/18 at page No. 15-16 and minutes dated 24.01.2020, we find that the name of the IRP Mr. Sunil Kumar Agarwal is approved by majority of votes and considering these facts, we hereby approve the name of Mr. Sunil Kumar Agarwal to appoint as RP. With this the present CA is disposed of.

CA-182

Ld. Counsel for the IRP is directed show to the provision under which he has

calculated the voting share of the flat buyers in order to elect the legal representative of the members of CoC. The IRP is also directed to be present on the next date of hearing. List the CA on 17.02.2020.