
(2020) 03 NCLT CK 0056

In the National Company Law Appellate Tribunal

Case No : (IB) No. 272(PB) Of 2019 In Company Application No. 1802 Of 2019

Ranjeet Ramkrishna Yadav

APPELLANT

Vs

JNC Construction Pvt. Ltd

RESPONDENT

Date of Decision : 11-03-2020

Acts Referred:

Citation : (2020) 03 NCLT CK 0056

Hon'ble Judges : Ch. Mohd. Sharief Tariq, J; Hemant Kumar Sarangi, Member (Technical)

Bench : Division Bench

Advocate : Sourit Arora, Ajay Kumar Jain, Anup Kumar, Nitesh Jain, Ranjana Roy, Pervinder Chatrapati, Shivansh Gupta, Abhishek Agarwal

Judgement

CA-2018(PB)/2019 filed in IB-272(PB)/2019

Both the sides are present. The counsel for the erstwhile Resolution Professional is directed to file additional affidavit along with the original invoices pertaining to the expenditure made during the CIRP. This process shall be completed within three days.

List on 18.03.2020.

CA-2726(PB)/2019 filed in IB-272(PB)/2019

As per the order dated 09.10.2019, this authority has directed to make the payment for Rs. 3,00,000/- per month to the erstwhile Interim Resolution Professional. Therefore, the CoC is directed to make compliance with the order dated 09.10.2019 within one week.

A copy of this order shall be obtained by the counsel for the erstwhile Interim Resolution Professional to send it to the CoC through email process for compliance and the Resolution Professional shall file affidavit of compliance on next of hearing.

List on 18.03.2020.

CA-1897(PB)/2019 filed in IB-272(PB)/2019

The Prayer is made to direct Deputy District Magistrate Ghaziabad to remove the seal and detach the projects site. Consequently, to withdraw the auction notices of the property issued from time to time.

The Resolution Professional has filed an affidavit on 24.01.2020 giving detail of the project/property with respect to which the Housing & Development Board State Management has filed the claim in Form B. As per the submission of the counsel for the Resolution Professional the claim has been admitted. In spite of that the property has not been released from the attachment and notices were issued for auction of the property by the said Authority.

It is on record that in the present matter CIRP has been initiated against JNC Construction Private Limited on 30.05.2019 and the moratorium was declared. The Interim Resolution Professional has made efforts to seek the detachment of the property and to take the possession of the same but till date the possession has not been given by the said authority.

In view of the additional affidavit filed on 24.01.2020 the Deputy District Magistrate Ghaziabad and sub-divisional Magistrate Ghaziabad are hereby directed to remove the seal and detach the projects site and also handover the possession of the property i.e. group Plot No. 3/G/h(SPL-1), Sector 3 Vasundhara Ghaziabad, Uttar Pradesh admeasuring 10250.33 sq. mts. within two weeks from the date of receiving of the copy of this order failing which the concerned Magistrates shall remain present before this Bench on next date of hearing.

List on 30.03.2020.

IA-1802(PB)/2019 filed in IB-272(PB)/2019

Both the sides are present. The counsel for the Resolution Professional is directed to file reply within two weeks.

List on 30.03.2020.

IA-1708(PB) / 2020, IA-1709(PB) / 2020 & IA-1720(PB) / 2020

The counsel for the Resolution Professional is present. He seeks time for making appropriate amendments in the CAs.

List on 30.03.2020.

CA-2004(PB)/2019 filed in IB-272(PB)/2019

Counsel for the applicant is present. Counsel for the respondent No. 1 is present. No representation on behalf of respondent No. 2, 3 and 4. The counsel for the applicant is directed to send a fresh notice respondent No. 2, 3 & 4 by all modes and file affidavit of service on next date of hearing. The counsel for the

respondent No. 1 is directed to file reply on next date of hearing.
List on 30.03.2020.