
(2021) 11 NCLT CK 0071
In the National Company Law Tribunal
Case No : ?C.P. (IB) - 146 Of 2019

Reliance Commercial Finance Limited	Vs	APPELLANT
Vista Mining Private Limited		RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Insolvency and Bankruptcy Code, 2016 — Section 60(5)

Citation : (2021) 11 NCLT CK 0071

Hon'ble Judges : Rohit Kapoor, Member (J); Harish Chander Suri, Member (T)

Bench : Division Bench

Advocate : Vikram Wadehra, Vidushi Chokhani, Soumitra Lahiri, Arnab Dutta

Judgement

1. Ld. Counsel for the applicant present.

2. IA(IBC)/925(KB)2021

(a) This is an application filed by the Chairman of the Monitoring Committee of Vista Mining Private Limited (Corporate Debtor) seeking directions against Mangalam Cement Limited, a B. K. Birla Group company, who had engaged the Corporate Debtor as a mining development operator. The Corporate Debtor had lent two heavy mining machineries to the respondent, Mangalam Cement Limited, on rental basis.

(b) Ld. Counsel for the Chairman of the Monitoring Committee subsequent to the order dated 13/07/2021, visited the site to take possession and to hand over the machineries, as mentioned in paragraph 4 of the application, to the successful Resolution Applicant. However, the respondent did not allow the Chairman of the Monitoring Committee to enter the site to enable him to examine the machineries and take possession thereof.

(c) In view of the submissions made by the Ld. Counsel for the Chairman of the Monitoring Committee, we are convinced to pass order directing the respondent, Mangalam Cement Limited, to hand over those two machineries

mentioned above which belong to the Corporate Debtor, to the Chairman of the Monitoring Committee within fifteen days from today. The Chairman of the Monitoring Committee shall immediately contact the respondent and hand over a copy of this order to the respondent for compliance by fixing a date, when the Chairman of the Monitoring Committee shall visit the site to take possession of the machineries.

(d) A copy of this order be given to the Chairman of the Monitoring Committee for onward transmission to the respondent and the Superintendent of Police within whose jurisdiction the mining site is situated by speed post and e-mail. The concerned Superintendent of Police shall provide all necessary help to the Chairman of the Monitoring Committee in taking possession of the aforesaid two machineries in case there is any disobedience of this order by the respondent.

3. List this matter on 12/01/2022.