

IN THE NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH
COURT NO. 1

ITEM Nos. 109 to 111
TP 241 of 2019 [CP(IB) 628 of 2018]

Order under Section 7 IBC

IN THE MATTER OF:

Bank of Baroda

.....Applicant

V/s

Divya Jyoti Industries Ltd

.....Respondent

Order delivered on 16/06/2022

Coram:

Madan B. Gosavi, Hon'ble Member(J)

Kaushalendra Kumar Singh Hon'ble Member(T)

PRESENT:

For the Applicant

: Ld. PCA Ms. Teena Saraswat Pandey
(IA/99(MP)2022) a.w. Ld. Adv. Mr. Vijayesh Atre
(IA/15(MP)2022 & IA/46(MP)2022) a.w. Ld. Adv.
Mr. Rohit Dubey & Ld. Adv. Mr. Sandeep Pandey
(IA/46(MP)2022)

For the Successful Resolution Applicant : Ld. Adv. Ms. Soumya Dharwa

(IA/15(MP)2022 & IA/46(MP)2022)

For the Suspended Management : Ld. Adv. Mr. Rohit Dubey & Ld. Adv. Mr.

Sandeep Pandey (IA/15(MP)2022)

For the CoC

: Ld. PCA Mr. Nipun Singhvi

For the RP

: Ld. Mr. Sajjan Kumar Dokania a.w. Ld. Mr. Mayur
Jugtawat

For the Respondent

: Ld. Adv. Ms. Soumya Dharwa (R-1)
(IA/15(MP)2022)

ORDER

IA/99(MP)2022, IA/15(MP)2022 & IA/46(MP)2022

IA/99(MP)2022

This application is filed by the Commercial Tax Department directing RP to consider their claim which was not included by the RP in the claim list.

We heard Learned Counsel for the Applicant and she pointed out that in audited balance sheet of the Corporate Debtor, the claims are being reflected at entry No. 30. She also pointed out the order of NCLAT in case of Puneet Kaur Vs. K V Developers Pvt. Ltd, Company Appeal (AT) (Insolvency) No. 390 of 2020 dated 1st June, 2022.

Since, the claims are appeared for audited balance sheet of the Corporate Debtor, it is a duty of the RP to consider it for inclusion in information memorandum.

We heard the RP in person he submitted that it is included in information memorandum however, Learned Counsel for the Applicant brought to our notice that E-mail was received by her client whereby, RP has rejected the claim. We deprecate such practice on behalf of the RP. If claims are reflected in information memorandum, he should have in all fairness informed the Applicant accordingly and ought not to have rejected the claims by way of such E-mail.

Since, claims are already reflected in information memorandum, may be as contingent liability.

With this, **IA/99(MP)2022** stands disposed of.

IA/15(MP)2022

This application is filed by the RP for approval of the Resolution Plan.

IA/15(MP)2022 & IA/46(MP)2022 both matters stand adjourned to 29.07.2022.

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KAUSHALENDRA KUMAR SINGH
MEMBER (TECHNICAL)

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MADAN B. GOSAVI
MEMBER (JUDICIAL)