

1B. 418/ND/18

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT-II)

Item No. 204
(IA)-1164/2021, Appeal/13/2021
IA/1982/2021, IA-4311/2020, IA-2805/2021
IA/3770/2020, IA/3983/2020, IA/173/2021

IN THE MATTER OF:

M/s. Alloys & Metals (INDIA)

... **Applicant/Petitioner**

Versus

M/s. Hindustan Paper Corporation Ltd.

... **Respondent**

Under Section: 9 of IBC, 2016

Order delivered on 07.03.2022

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)

SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)

PRESENT:

Rahul Sharma, Advocate for the Liquidator
Vivek Sibal, Senior Advocate with Rahul Sharma, Adv. for the Liquidator
Avijit Roy, Rana S. Biswas and Sunil Sarma, Advocates for Applicant in IA no. 173/2021
Siddharth Seem- Advocate for Applicants in IA 4311/2020
I.A. No. 1164/ 2021 - Mr. Anuj Jhawar, Advocate and Mr. Manmeet Singh, Advocate for Applicant
For I.A 2805/2021 for Respondents- Adv. Pranay Agrawala, Adv. Dhruvad Das, Adv. Pooja Dua

ORDER

IA-1164/2021: Heard. **Order reserved.**

Both the parties are directed to file short written synopsis of not more than two pages each within 3 days from today.

Appeal 13/2021: On the request of the Applicant's Counsel, list the matter on 08.04.2022.

IA-1982/2021: Heard the Ld. Counsel appearing for the Applicant and perused the averments made in the application. Ld. Counsel appearing for the Applicant submits that vide Order dated 4th April, 2019, this Tribunal had given a direction to the SFIO, which was challenged by the SFIO in Co. Appeal (AT) (Insolvency) No. 964/2019. In pursuant of the order passed by the

(Sapna)

 

Hon'ble NCLAT, this Adjudicating Authority, vide order dated 30th January 2022, had modified the order dated 4th April 2019 to the extent that the allegations of fraud were referred to the Central Government to endorse the same to any investigating Authority to scrutinize any financial irregularities, if deemed fit. He further contends that no step has been taken as yet despite the repeated reminders made by the applicant.

Considering the submissions and without going into merits of facts, we refer the matter to the Central Government, Ministry of Corporate Affairs through Secretary with a direction to take necessary steps in pursuant of the order dated 30th January 2020 and file a status report within 3 months.

With this, the present application stands disposed of.

IA-4311/2020: Ld. Sr. Counsel for the Liquidator undertakes to file the reply within 2 weeks.

List the matter on 8th April, 2022.

IA-2805/2021: None appeared for the Applicant. We perused the averments made in the application. On perusal of the averments made in the application, we observe that prayer of the applicant is:

- A. Allow the present application under Rule 154 of the NCLT Rules, 2016 seeking rectification of the clerical mistake crept in the Order dated 26.04.2021 passed by this Hon'ble Tribunal in IA No. 675/2021.
- B. Exercise powers under Rule 11 of the NCLT Rules, 2016 and recall/delete the alleged concessions recorded in Paragraph Nos. 11 and 12 of the Order dated 26.04.2021 passed by this Hon'ble Tribunal in IA No. 675/2021.

In terms of the prayers, when we perused the order dated 26th April 2021 and paragraphs 11 & 12 as referred to by the Applicant in prayer (b) of the application, we find no clerical error in the order dated 26th April 2021. Therefore, we are not inclined to allow the prayer of the applicant.

Accordingly, the prayer is rejected and the IA is Dismissed.

IA-3770/2020: After some arguments, Ld. Counsel appearing for the Applicant seeks permission to withdraw the application. Heard. Prayer is allowed.

The IA is Dismissed as Withdrawn.

(Sapna)

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IA-3983/2020: None appeared for the Respondent. The parties are directed to upload the reply before the next date of hearing.

List the matter on 8th April, 2022.

IA-173/2021: Liquidator is directed to file an undertaking regarding the payment of dues of the applicant within 3 days from today.

List the matter on 8th April, 2022.



(L. N. GUPTA)
MEMBER (T)



(ABNI RANJAN KUMAR SINHA)
MEMBER (J)