

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P.(IB)No. 182/KB/2017
CA(IB)No.895/KB/2018
CA(IB)No.789/KB/2019
CA(IB)No.865/KB/2019
CA(IB)No.867/KB/2019

Present: 1. Hon'ble Member (J), Shri M.B. Gosavi

2. Hon'ble Member (T), Shri Virendra Kumar Gupta

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 19th August, 2019, 10:30 A.M

Name of the Company		Gujarat NRE Coke Ltd.(In Liquidation)	
Under Section		10 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1.	Sunil Singhania	Adv.	} ITO CA NO- 895/KB/2018.	19/8/19
2.	Kasturi Dasgupta	Adv.		

} Sunit Binani, Liquidator Ujjaini Chavjee, Adv.	CA 789/19	} 19/8/19
	CA 895/19 CA 867/19	

} Swati Agarwal, Adv	for the	} 19/8/19
	applicant in CA 865/KB/2019	

} Debu Chowdhury, Adv	CA - 789/19.	} Debu Chowdhury 19/8/19.
	For Respondent No.2. SFI0	

- Order attached -

ORDER

CA(IB) 789/KB/2019 is filed by the Liquidator. He submits that by order dated 18.06.2019, CA(IB) 552/KB/2019 was disposed off by Bench No.I, wherein vide para 2, it is mentioned that "It is further submitted by the Ld. Liquidator that during his tenure, serious fraud has been detected and therefore, in the interest of public, an investigation is to be called for". Liquidator submits that he never stated that serious fraud has been detected. According to him, he has carried out forensic audit and transaction audit and now matter is under consideration of SFIO for investigation. The Ld. Liquidator submits that he did not find any serious fraud. It was not his opinion. Further, it was submitted that the matter is already before SFIO for consideration. We only noted his submission. SFIO to proceed with the investigation. This application is for deleting the above portion from the order. Since we only noted his submissions, **CA(IB) 789/KB/2019** stands disposed off.

In CA(IB) 865/KB/19, Ld. Counsel for the applicant appears and wishes to withdraw the application as per undertaking given to the Hon'ble High Court. Applicant to produce records of the High Court showing that such undertaking is really being given. It is to be filed within two weeks.

Regarding CA(IB) 867/KB/19, heard the Ld. Liquidator alongwith the Ld. Counsel for the Liquidator. **Reserved for order.**

CA(IB) 895/KB/2018 is the application filed by the Income-Tax authority. It appears that it is an appeal under section 42 of IBC against the order of liquidator, where he did not consider the authorities' claim in full. Any way, it is brought to our notice by the Ld. Counsel for the Income-Tax Authorities that appeal is

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already filed before the Commissioner of Income-Tax (Appeal). We consider the reply filed by the Liquidator. It is directed that Liquidator to consider the claim upon disposal of that appeal and as per order of that appeal and subject to all rules. With this direction, **this CA stands disposed off.**

CA(IB) 865/KB/2019 to appear for further consideration on 16.10.2019.



(Virendra Kumar Gupta)
Member (T)



(M. B. Gosavi)
Member(J)