



DIVISION BENCH

ITEM NO. 112

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

IA No. 301/2023 & IA No. 306/2023 IN CP (IB) No.81/ALD/2019

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 04th August, 2023

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	M/S. ASREC (INDIA) LTD. V/S M/S HARIG CRANKSHAFTS LTD
UNDER SECTION	7 IBC (IN CIRP)

COUNSEL APPEARED THROUGH PHYSICAL HEARING:

Sh. Abhishek Anand alongwith Sh. Mohak Sharma, Sh. Sajal Jain, Sh. Supriyo Banerjee, Sh. Sahil Chopra & Sh. Shikhar Tiwari, Advs.

: For the Applicant/RP in IA No. 301/2023 & IA No. 306/2023

ORDER

IA No. 301/2023

1. In terms of the previous order dated 10th July, 2023, the notices were issued to the respondents. As per the affidavit of service filed on behalf of the RP, the service has been effected by way of an e-mail as well as by speed post. The tracking report of the speed post indicate that the items have been delivered. However, despite service there is no representation on behalf of respondents nor any reply be filed.
2. Let the bailable warrants be issued to the Respondent Nos.1 & 2. These bailable warrants are to be issued by the Registry for bond amount of Rs.50,000/- each through the appropriate police officer of the city where these respondents are residing at the address given below:
 - a. Gopal Gangadharro Patwardhan
(Member of Board of Director, Power Suspended)
Residing At:
1181, Miraj House,
Fergusson College,



Fergusson College Road,
Shivajinagar, Pune,
Maharashtra-411004.

Email: gopalpatwardhan98@gmail.com

.....Respondent No.1

- b. Himmat Singh
(Member of Board of Director, Power Suspended)

Residing At:

House No.22, Vasant Marg,

Vasant Vihar,

New Delhi-110057

Email: himmat1313@gmail.com

.....Respondent No.2

3. Let the matter to come up for hearing on 25th August, 2023.

IA No. 306/2023

1. In this case, the notice was issued on 14th July, 2023 to the Respondent No.1, 2 and 3 and following order was passed.

“1. The Ld. Counsel representing the RP submits that this application has been filed seeking direction to be issued to the Respondents No.1 to 3 as per Section 17(2)(d) of the Code to provide details as sought by the applicant particularly with regard to the information sought vide letters dated 10th May 2023 and e-mails dated 5th June 2023 sent by the applicant to the respondents. The information as sought from the respondents is concerning the latest shareholding pattern of the Corporate Debtor so that the RP is in a position to consolidate the information memorandum and act upon it further.

2. Let the notices be issued to the respondents returnable within one week and the matter be listed for 20th July, 2023.

3. Keeping in view, the innocuous prayer made in the application concerning the information sought by the applicant as per the aforesaid letters for providing the latest shareholding pattern of the Corporate Debtor, we also deem it appropriate to direct the respondents to bring the latest information on the next date of hearing or explain the reasons for not being able to provide the information sought in the application and as per the communications sent by the applicant. The applicant will serve the respondents by all means so as to ensure that the service is complete alongwith the copy of this order to be sent to the respondents.”

-2/3-

-Sd-

-Sd-



2. Ld. Counsel representing the RP states that as regards to the Respondent No.1 i.e. NSDL no reply so far has been filed. Let the requisite information be forthwith supplied to the RP without any further delay. However, the Respondent No.2, i.e. CDSL has filed the reply saying that on payment of the outstanding dues payable by the Corporate Debtor as also the requisite fee charges for Special BenPos as per the Tripartite Agreement and the Operating Instructions for Issuers and Registrar and Transfer Agents duly notified/approved by the Corporate Debtor.
3. Since, the present Corporate Debtor is already undergoing CIRP, let the requisite information be supplied by the CDSL. Let the appropriate reply be filed by the CDSL by supplying the requisite information and any outstanding dues may be claimed in accordance with law as provided under the Code.
4. It is stated by the Ld. Counsel representing the Resolution Professional that in so far as Respondent No.3 is concerned there is no reply filed, however, the Respondent No.3 has already filed his claim before the RP/CoC which is under adjudication.
5. In view of this, let the reply be filed by the Respondent Nos. 1 & 3 within a period of two weeks. Matter be adjourned for 25th August, 2023.

-Sd-

(Ashish Verma)
Member (Technical)

04th August, 2023

Priya Agarwal
(Stenographer)

-Sd-

(Praveen Gupta)
Member (Judicial)