

NATIONAL COMPANY LAW TRIBUNAL

COURT ROOM NO. 1,

MUMBAI BENCH

Item No. 22

IA 2296/2021 IA 2339/2021 IA 4949/2023 IN C.P. (IB)/66(MB)2018

CORAM:

SH. PRABHAT KUMAR

JUSTICE V.G. BISHT (Retd.)

HON'BLE MEMBER (TECHNICAL)

HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **20.06.2024**

NAME OF THE PARTIES: **ANCHOR LEASING PRIVATE LIMITED V/s EURO CERAMICS LIMITED**

Section 7 Sec 60(5) of the Insolvency and Bankruptcy Code, 2016

ORDER

Adv. Riya Pednekar i/b Malvi Rachaoddas & Co. for the erstwhile Liquidator is present. Adv. Ritu Guru for respondent Gujarat State Tax Department present through VC.

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The Ld. Counsel for the Applicant inform that they have placed on record an affidavit, however, the same is not available before the Bench.

The Counsel for the Liquidator undertakes to provide a hard copy thereof. List this matter on Board on **26.06.2024**.

IA 4949/2023

Ld. Counsel for the Applicant inform that they have written a specific E-mail dated 16th June 2024, which is stated to have been answered by the Respondent clarifying their position. The Respondent has also filed an affidavit that whatever documents they had, they have handed it over. However, the Applicant persist that some of the documents, which ought to have been in custody of the erstwhile Liquidator have not been handed

over to him. This Bench feels that if the allegation of applicant has any substance, it leads to conclusion that the erstwhile Liquidator may have failed in the preservation of the records during his incumbency. Accordingly, the matter may be looked by the IBBI in this respect. The Applicant may register his grievance with IBBI alongwith copy of this Order for further inquiry, if he desires.

In view of the above Interlocutory Application 4949 of 2023 is **disposed of**.

The Liquidator may approach IBBI or the Registry of this Court to retrieve the document which are found unavailable with the erstwhile Liquidator.

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PRABHAT KUMAR
MEMBER (TECHNICAL)

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JUSTICE V.G. BISHT
MEMBER (JUDICIAL)

Rehan Shaikh