

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency)No. 805-806 of 2019**

**IN THE MATTER OF:**

**Pravesh Talwar**

**.....Appellant**

**Vs.**

**Maya Gupta**

**Liquidator for Talwar Agencies Pvt. Ltd. & Anr.**

**.....Respondents**

**Present :**

**For Appellant:**

**Mr. Abhishek Anand, Mr. Tushar Tyagi, Mr. Anant  
A.Pavgi with Mr. Pravesh Talwar, Advocates**

**O R D E R**

**07.08.2019** - Learned Counsel for the Appellant submits that there is a delay of 14 days in filing the appeal. Having heard learned counsel for the Appellant and being satisfied with the ground, delay of 14 days in preferring the appeal is hereby condoned. I.A. No. 2445 of 2019 stands disposed of.

2. During the Liquidation Proceedings, the Liquidator could not auction the stock inspite of the fact that he conducted auction twice for the stock-in-trade of the Corporate Debtor and no proposal had been received despite reducing the price and hence sought permission to sell the assets of the Corporate Debtor by way of private sale. This was noticed by the Adjudicating Authority ('National Company Law Tribunal') New Delhi Bench, New Delhi by impugned order dated

...contd.

29<sup>th</sup> May, 2019 and the liquidator was permitted to sell and since major claimants were going to be affected it was also directed to inform them.

3. Subsequently, the liquidator brought to the notice of the Adjudicating Authority that a sum of Rs. 15 lakhs have been received on sale. At that stage, the objection was raised by the Appellant / Ex-Director as well as by one Promoter. They took plea that the Director could have arranged sale through any other dealer. This was not accepted by the Adjudicating Authority while passing the Impugned Order on 12<sup>th</sup> June, 2019.

4. It is also pointed out by the Liquidator that during the period of Moratorium stock-in-trade worth approx. Rs. 17 lakhs had been disposed of by the Ex-Director and items purchased during the period of Moratorium were disposed of giving the adjustments to the dues of the buyers.

5. Taking into consideration the aforesaid submission, the Adjudicating Authority while passing the Impugned Order dated 12<sup>th</sup> June, 2019 asked the Liquidator to provide details of transaction.

6. It was further submitted that as per the Financial Statements, scrap worth Rs. 1 crores was reflected as lying but there was no physical verification of this scrap or where it is lying. Reply to these allegations was sought from the Ex-Directors within two weeks in the Impugned Order.

....contd.

7. The Adjudicating Authority further ordered that property of the 'Corporate Debtor' had to be handed over to the Liquidator for the purpose of distribution as per entitlement under the Code.

8. Learned Counsel for the Appellant submits that only intimation was given with regard to the sale. However, such submission cannot be accepted as the Directors are not supposed to be present during the sale procedure nor under the Code there is requirement to be informed for the purpose of such sale of assets.

9. So far as the allegations levelled by the Liquidator against the Ex-Director is concerned, it is submitted that no application has been filed. However, we are of the view that the Appellant has been given two weeks' time to file reply.

In view of the aforesaid observations, we are of the view that no case is made out.

Both the appeal(s) are dismissed. No Costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice A. I. S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)