
(2020) 07 NCLT CK 0056

In the National Company Law Tribunal

Case No : Interlocutory Appeal No. 538 Of 2020 In Company Petition (IB) No. 294/7/Hdb Of 2017

Adhithi Infra Projects Private Limited

APPELLANT

Vs

Sutanu Sinha, Liquidator Of Ivrc Limited "Mihir

RESPONDENT

Date of Decision : 28-07-2020

Acts Referred:

Insolvency And Bankruptcy Code, 2016 — Section 60(5)

Citation : (2020) 07 NCLT CK 0056

Hon'ble Judges : K. Anantha Padmanabha Swamy, J

Bench : Single Bench

Advocate : Naresh Kumar Sangam, Nirav Shah, Alay Rizvi

Final Decision : Disposed Of

Judgement

K. Anantha Padmanabha Swamy, J

1. Under consideration is an Interlocutory Application bearing IA No. 538/2020 in CP (IB) No. 294/7/HDB/2017 filed by M/s. Adhithi Infra Projects Private Limited (hereinafter called as Applicant) under section 60(5) of IBC, 2016, inter-alia seeking the following relief(s):

a) That the Application be allowed and the decision of the Liquidator dated 12.03.2020 be quashed and set aside;

b) That the Liquidator be directed to consider the claim of the Applicant on merits;

2. Counsels for the Applicant present and stated that the total amount is Rs. 88,47,697/- (Rupees Eighty Eight Lakhs Forty Seven Thousand Six Hundred and Ninety Seven Only) is payable by the Corporate Debtor and to be received by Applicant from the Corporate Debtor towards the said services render to the Corporate Debtor/Respondent

3. It is stated by the Applicant that it filed claim in Form-C before the Liquidator

on 28.02.2020 through Register post and through email is rejected by Liquidator for delay in submission of claim for 188 days in filing this Application.

4. Liquidator along with his Counsel is present. Filed no counter, orally stated no objection in allowing the Application. Submissions recorded.

5. Heard. Perused records.

6. In the case of Corporate Debtor, Order for Liquidation was passed on 26.07.2019 to be read with corrigendum order passed on 31.07.2019. The Liquidator accordingly published notice on 31.07.2019 for inviting the claims.

7. It is the case of the Applicant stated that its claims have been rejected on the ground of delay in filing the claim before the Liquidator and prayed to condone the delay in filing claims. Liquidator expressed no objection in allowing the Applications and for condoning the delay.

8. Considering the facts and circumstances, stage of Liquidation and no objection by the Liquidator, this Adjudicating Authority hereby Condone the delay of the Applicant in filing its claim before the Liquidator.

9. However, this Adjudicating Authority makes it clear that the Application is allowed only to the extent of condoning the delay in filing the claim. Liquidator shall consider the claim only after verification of all the books of accounts of the Corporate Debtor and other relevant documents pertaining to claim of the Applicant.

10. With the above observation, Applications bearing IA No. 538/2020 stands disposed of.