

(2023) 08 NCLT CK 0014
In the National Company Law Appellate Tribunal
Case No : CP(IB) 148/PB/2022
H D Wire Private Limited Vs CMI Limited ?

Date of Decision : 18-08-2023

Acts Referred:

Citation : (2023) 08 NCLT CK 0014

Hon'ble Judges : Bachu Venkat Balaram Das, Member (J);Rahul Bhatnagar, Member (T)

Bench : Division Bench

Advocate : V.N. Dubey, Sunil Fernandes, Priyadarshini Dewan, Niharika Tanwar, Diksha Dadu

Final Decision : Disposed Of

Judgement

Rahul Bhatnagar, Member (Technical)

1. The necessity of going into the merit of the claim made by the petitioner in above mentioned petition is obviated because in respect of the same Corporate Debtor NCLT, New Delhi Bench V has admitted another petition namely Canara Bank. v. M/S CMI Limited., [IB-820/PB/2022]. Vide order dated 28.07.2023, the said petition has been admitted and CIRP has been initiated. Therefore, Corporate Insolvency Resolution Process cannot be initiated against a corporate debtor that is already undergoing a corporate insolvency resolution process. However, needless to add, that the petitioners would be entitled to file their claim before the Insolvency Professional, namely Mr. Deepak Maini, (Email – Deepak.maini@insolvencyservices.in) having Registration Number IBBI/IPA-001/IP-P00676/2017-18/11149., in accordance with law which shall be duly considered.

2. The registry is directed to communicate a copy of the order to the Interim Resolution Professional, Operational Creditors and the Corporate Debtor immediately.

3. The above-mentioned petition is disposed off in the above terms.