
(2020) 09 NCLT CK 0011

In the National Company Law Appellate Tribunal

Case No : Company Petition No. IB-3505/ND Of 2019

M/S. Fone Tools Pvt. Ltd.

APPELLANT

Vs

M/s. Exclusife Technosoft Private Limited

RESPONDENT

Date of Decision : 28-09-2020

Acts Referred:

Insolvency And Bankruptcy Code, 2016 — Section 11

Citation : (2020) 09 NCLT CK 0011

Hon'ble Judges : Dr. Deepti Mukesh, J; Hemant Kumar Sarangi, Member (Technical)

Bench : Division Bench

Advocate : Nikhil Palli, Nakul Sachdeva, Damandeep S. Bhalla

Final Decision : Disposed Of

Judgement

Hemant Kumar Sarangi, Member (T)

This order shall dispose of (IB)-3505/(ND)/2019.

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 Corporate Debtor we have admitted another petition namely M/s. Gupshup Technology India Pvt. Ltd. Vs. M/s. Exclusife Technosoft Pvt. Ltd., [IB-2694/(ND)/2019], vide order dated 01.09.2020. As per the provisions of Section 11 of the Code, 2016 another Corporate Insolvency Resolution Process cannot be initiated against a corporate debtor that is undergoing a corporate insolvency resolution process. However, it is needless to add, that the petitioners would be entitled to file their claim before the Insolvency Professional, namely Mr. Ashok Kriplani, having registration No. IBBI/IPA-003/IP-N00009/2016-2017/10071, mobile No.9968489222 and email id ashok.kriplani1956@gmail.com, in accordance with law which shall be duly considered.

The office is directed to communicate a copy of the order to the Interim Resolution Professional, Operational Creditors and the Corporate Debtor

immediately.

The above-mentioned petition is disposed of in the above terms.