

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 7

(IB)-16(PB)/2017

IN THE MATTER OF:

Anil Mahindroo & Anr.

.... **APPLICANT / PETITIONER**

Vs

Earth Iconoic Infrastructures Pvt. Ltd.

.... **RESPONDENT**

SECTION:

Under Section 7 of Insolvency & Bankruptcy Code, 2016

Order delivered on 25.04.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the applicant -

ORDER

CA-758(PB)/2019:-

For the reasons stated in the appeal, the delay in filing the claim is condoned.

The appeal under Rule 32 of NCLT Rules, 2016 is called out for hearing. The grievance of the appellant is that the Interim Resolution Professional has expressed the opinion in his letter dated 12.12.2018 stating as under:-

“This is with reference to your claim dated: 15/11/18 received by as on 6/12/18. Please provide the following documents/clarification:-

2. The calculation sheet of the interest shown in Column 4.



Further, this is to inform you that the last date for submission of claim was 10th Oct 2018. We will entertain your claim as Operational Creditor only if permitted by the Adjudicating Authority.”

A perusal of the aforesaid contents of the letter show that the IRP was inclined to entertain the claim of the appellant as Operational Creditor, if permitted by Adjudicating Authority for obvious reason that the last date for submission of the claim was 10.10.2018. Learned counsel for the appellant states that the CIR Process is still in progress, and if that be so, then the IRP/RP shall consider the claim of the appellant and it shall not be rejected on the ground that it is delayed. The appropriate decision be taken by the IRP/RP at the earliest.

The appeal stands disposed of.

Sd/-

(M. M. KUMAR)
PRESIDENT

Sd/-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)