

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM No. 06**  
**422/2016**

**IN THE MATTER OF:**

Bank of Baroda	....	Applicant/petitioner
v.		
Metaphor Exports Pvt. Ltd.	....	Respondent

**Order under Section 433(e) and 434, 439 in Liq.**

**Order delivered on 07.08.2019**

**Coram:**

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

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

**PRESENT:**

For the Petitioner	Mr. Anuj Jain, Advocate
For the Respondent	

**ORDER**

C.A. No. 1492(PB)/2019

This is an appeal filed under Section 42 of the Code, 2016 with a prayer for issuance of direction to the Liquidator to take up the claim of the appellant-Central Bank of India and to adjudicate it on merits in respect of liquidation proceedings of Metaphor Exports Pvt. Ltd. It is evident from the reading of the letter dated 30.05.2019 that the Liquidator has rejected the claim of the appellant-Central Bank of India on the ground of delay. The operative part of the letter sent by the Liquidator is as under:

~~“With the reference to the claim form (Form D) submitted by your goodself in respect of Metaphor Exports Pvt. Ltd. which was received by the undersigned on 13.05.2019.~~

The undersigned has received your claim on 13.05.2019 after the last date of submission of claim i.e. 19.04.2019, hence, the undersigned has rejected your claim due to submission of claim after the period of filing of claim.

Please be informed according and take a note for same.”

A perusal of the aforesaid letter shows that the Liquidator has not decided the claim of the appellant-Central Bank of India on merit and has



preferred to reject the claim on the ground that it was received after the last date of submission of claim i.e. 19.04.2019. In umpteen orders we have clarified that the Liquidator is not to reject the claim on the ground of delay if the liquidation process is still in progress. It appears that it has escaped from the notice of Mr. Satyendra P. Khorania, the Liquidator.

It is represented that a copy of the application has been furnished to the Liquidator and despite the advance copy served, he is not present before us.

Keeping in view the time line given in the Code and the recent emphasis on the fast progress of CIR Process, we direct the Liquidator to consider the claim of the appellant-Central Bank of India on merits and the same shall not be rejected on the ground of delay.

The application stands disposed of.

Sd/-

**(M.M. KUMAR)**  
**PRESIDENT**

Sd/-

**(S.K MOHAPATRA)**  
**MEMBER (TECHNICAL)**

07.08.2019  
VINEET

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