

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

**Item No. 122**  
**(IB)-397(PB)/2018**

**IN THE MATTER OF:**

Bank of India

.... Applicant

v.

Basic India Ltd.

.... Respondent

**Order under Section 7 of IBC, 2016**

**Order delivered on 06.06.2019**

**Coram:**

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

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

**PRESENT:**

For the RP

Ms. Medha Tandon, Adv. with Ms. Seema Jangid, CS  
for RP

Ms. Gurmeet Bindra, Adv. for HDFC Bank in CA-  
803/19

For the Respondent

Mr. Abhay Kaushik, Adv.

**ORDER**

**CA-803(PB)/2019:-**

The claim of the applicant in this applications has been rejected by the Resolution Professional on the ground of delay. We have repeatedly held that rejection of claim on the ground of delay is not sustainable because the provision has been held to be directory. In that regard reference may be made to the orders dated 01.05.2019 passed in CA-727(PB)/2019 in CP. No. (IB)-737(PB)/2018, *Twenty First Century Wire Rods Ltd.* We wish to make it clear that all the Resolution Professionals shall take a note of these repeated orders passed by NCLT clarifying that claim of an applicant like the present one could not be rejected on the ground of delay as the provision has been held to be directory.

In view of the above, the applications are disposed of with the direction to the Resolution Professional to collate the claims of the applicants and claims shall not be rejected on the ground of delay.

The application stands disposed of.

**CA-432 & 713(PB)/2019:-**

Learned counsel for the RP states that the rejoinder shall be filed in the registry within three days and a copy thereof has already been furnished to the counsel opposite.

List for arguments on 08.07.2019.

Sd/-

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

Sd/-

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