

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

(IB) 137 (ND)/2018

**CORAM:**

**PRESENT: DR. V. K. SUBBURAJ**  
**HON'BLE MEMBER(T)**

**MS. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 04.04.2019**

**NAME OF THE COMPANY: M/s Power2sme Pvt. Ltd. Vs. Uttam Strips Ltd.**

**SECTION OF THE COMPANIES ACT: 8 & 9 of IBC, 2016**

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
	<b>For the Petitioner:</b>	Mr. Abhay Kaushik and Mr. Pankaj Bhagat, Advocates		
		Mr. Sanjiv Dagar for CA 162/2019		
	<b>For the Respondent:</b>	Mr. Krishnendu Datta and Ms. Moushree Shukla, Advocates for RP		
		Ms. Chetna Singh and Mr. Anant A. Pavgi, Advocates for Ex-Management		
		Mr. Manoj Garg, CA		
		Ms. Jasveen Kaur for Resolution Applicant		

**ORDER**

CA 226/2018 has been filed by the Operational Creditor who has still not been reimbursed with the initial expenses incurred by him. It was directed that the said amount was to be reimbursed to the operational creditor by the COC and be recovered as the cost of the CIR process. Notice be issued to the COC through RP returnable on 30<sup>th</sup> April, 2019.

Copy of the order be given Dasti to the RP.

It is also brought to the notice of this Bench that the Resolution Plan has been submitted to this Bench for consideration. The various claimants before this Bench submitted that their claims have been rejected by the RP on grounds that they were filed belatedly.

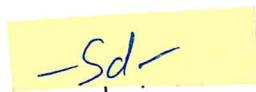
Ld. Counsel appearing for the RP submits that in view of the Regulation 12 of the CIR process, no claims can be considered after the resolution plan has been approved by the COC.

In view of the submissions made, we direct the RP to include the acceptable claims provided however, they were filed before 270 days of the CIR period or before the Resolution Plan was approved.

Let this exercise be carried out within 10 days.

In the event of the total claim of the operational creditors revised in terms of the above, an additional affidavit be filed. This shall not have any effect on Resolution Plan as the claim towards a particular class has already been quantified and shall be distributed pro rata.

CA 54/2019 is also pending adjudication. Be listed on 30<sup>th</sup> April, 2019.



**(V. K. Subburaj)**  
**Member (T)**



**(Ina Malhotra)**  
**Member (J)**