

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

Item No. 9
(IB)-448(PB)/2017

IN THE MATTER OF:

Rajendra Kumar Saxena Applicant/petitioner
Vs.
Earth Gracia Buildcon Pvt. Ltd. Respondent

Order under Section 7 of Insolvency & Bankruptcy Code,2016

Order delivered on 28.02.2019

Coram:

Dr. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)

Sh. S. K. MOHAPATRA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Ajay Kr. Jain, Mr. Sourit Arora, Advs.
With Ms. Manisha Rawat, RP.

ORDER

CA-311(PB)/2019 is filed by the IRP seeking exclusion of 19 days from the CIRP period of 180 days. Learned counsel further states that the order initiating CIRP against the corporate debtor was passed on 17.01.2019 thereafter it came to the knowledge of IRP from the official website of MCA, that the name of the company was shown as struck off. On 19.01.2019, when the said fact came to the knowledge of the IRP, he moved an application being CA No. 121(PB)/2019 praying for restoration of the name of the corporate debtor on the portal of ROC. The direction of the RoC for revival of the name of the company was given by Principal Bench on 04.02.2019 and accordingly it become operative on 05.02.2019. Hence, it is prayed that the period of 19 days of the period from 18.01.2019

to 04.02.2019 may be excluded. Considering the submissions made by the learned IRP and documents placed on record, it is justified to exclude the said period of 19 days from the CIRP of 180 days. The application is allowed and disposed of accordingly. As a consequence, the public announcement already published on 07.02.2019 by IRP stands effected and valid.

The application stands disposed of.



Sdl-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)



Sdl-

(Dr. DEEPTI MUKESH)
MEMBER (JUDICIAL)

28.02.2019
Aarti Makker