

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI
COURT-III

IB- 22/ND/2018
(CA-177/C-III/ND/2019)

In the matter of :

Oriental Bank of Commerce

.. PETITIONER

Vs.

Shekhar Resorts Ltd & Ors.

..RESPONDENT

SECTION

Under Section 7 of IBC, 2016

Order delivered on 19.3.2019

Coram :

Sh. R. Varadharajan,
Hon'ble Member (Judicial)
Ms. DeepaKrishan,
Hon'ble Member (Technical)

For the Petitioner /Op. Creditor : Mr. Sanyam Goel, PCS
For the Respondent/Corporate Debtor : Mr. Abhishek Anand, Advocate for R.P.
For the Intervener :

ORDER

Learned Counsel for the Applicant as well as Ld. Counsel for the R.P. are present. Ld. Counsel for the R.P. represents that Application in CA No.177/C-III/ND/2019 has been filed for non-admission of the claim made by the R.P. It is represented that in relation to non-admission of the claim made, Corporate Insolvency Resolution Process (CIRP) was initiated on 11th Sept, 2018 and as per the regulations, claim has been preferred before the Resolution Professional in the month of November, 2018. Whereas, the said submissions/averments made by the applicant are vehemently rejected by the Ld. Counsel for the RP.

Coutd_

It is brought to the notice of this Tribunal that the claim had been sent to the Adjudicating Authority and not to the R.P. and that the claim ultimately made before the R.P. on 02.1.2019 and thereafter, Form-B was filed on 23.1.2019 after 90 days prescribed. Since the submission in relation to the claim was made to the R.P. beyond as per the time period provided under the Regulation 12 (2) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation, 2016, there is some delay on the part of Applicant for filing the claim with the R.P. as inadvertently the same seems to have been sent within time to this Tribunal earlier and in the circumstances, we deem it fit to condone the delay in filing the claim before the R.P.

In view of the delay in submitting the claim being condoned on the part of the applicant, let the claim be processed/considered by the IRP/R.P, as filed under the relevant Form-B within 7 days from the date of this order.



(DEEPA KRISHAN)
MEMBER (TECHNICAL)



(R. VARADHARAJAN)
MEMBER (JUDICIAL)

Surjit
19.3.2019