

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

**ITEM No. 125**  
**(IB)-694(PB)/2018**

**IN THE MATTER OF:**

L & T Finance Ltd.

.... Applicant/petitioner

v.

Zillion Infraprojects Pvt. Ltd.

.... Respondent

**Order under Section 7 of the Insolvency & Bankruptcy Code, 2016 (CIRP)**

**Order delivered on 07.01.2020**

**Coram:**

**DR. DEEPTI MUKESH**  
**HON'BLE MEMBER (JUDICIAL)**

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

**PRESENTS:**


For the Respondent

Mr. Deepak Bashta, Adv. For R-6  
Mr. Pawan Sharma & Ms. Arpita Yadav, Advs.  
Mr. Sanjiv Dagar, Mr. Deewakar Arora & Mr.  
Umang Mittal, Advs. For Capri Global Ltd.-R-4  
Mr. Amit Upadhyay & Mr. Amulya Upadhyay,  
Advs. For R-13  
Mr. Sanjeev Singh & Ms. Amisha Agarwal, Advs.  
For Aditya Birla Finance Ltd.-R-16  
Ms. Akanksha Kaushik, Adv. For R-15  
Mr. Ishwar Mohapatra, Adv. For R-1, 2, 3, 4, 17,  
8, 10, 11

**ORDER**

**CA-105(PB)/2020**

1. The present company application has been filed by the resolution professional for grant of extension of 60 days in CIRP time period beyond 330 days in terms of inherent powers of Hon'ble NCLT under Rule 11 of NCLT rules 2016 read with Section 60(5)(c), 12(3) of Insolvency and Bankruptcy Code, 2016.
2. It is relevant to note here that the Corporate Insolvency Resolution Process against the Corporate Debtor was initiated



vide order dated 05.02.2019 passed in IB-694(PB)/2018. It has been stated that 330 days of CIRP period have expired on 01.01.2020.

3. Ordinarily the Corporate Insolvency Resolution Process period must be completed within the outer time limit of 330 days provided under the Code. However, in exceptional cases in order to achieve a resolution and to avoid to drive the corporate debtor into liquidation, Adjudicating Authority (NCLT) can extend the outer time limit provided under the Code.
4. It is relevant to refer to the decision of the Hon'ble Supreme Court in Civil Appeal No. 8766-67 of 2019 in the matter of Committee of Creditors of Essar Steel India Limited Versus Satish Kumar Gupta & Ors. decided on 15<sup>th</sup> November 2019, where it was *inter-alia* held that:

*“Thus, while leaving the provision otherwise intact, we strike down the word “mandatorily” as being manifestly arbitrary under Article 14 of the Constitution of India and as being an excessive and unreasonable restriction on the litigant’s right to carry on business under Article 19(1)(g) of the Constitution. The effect of this declaration is that ordinarily the time taken in relation to the corporate resolution process of the corporate debtor must be completed within the outer limit of 330 days from the insolvency commencement date, including extensions and the time taken in legal proceedings. However, on the facts of a given case, if it can be shown to the Adjudicating Authority and/or Appellate Tribunal under the Code that only a short period is left for completion of the insolvency resolution process beyond 330 days, and that it would be in the interest of all stakeholders that the corporate debtor be put back on its feet instead of*

*being sent into liquidation and that the time taken in legal proceedings is largely due to factors owing to which the fault cannot be ascribed to the litigants before the Adjudicating Authority and/or Appellate Tribunal, the delay or a large part thereof being attributable to the tardy process of the Adjudicating Authority and/or the Appellate Tribunal itself, it may be open in such cases for the Adjudicating Authority and/or Appellate Tribunal to extend time beyond 330 days.”*

5. In the present case the Committee of Creditors in its 13<sup>th</sup> meeting held on 16.12.2019 with 72.40% vote share approved resolution for extension of 60 days of Insolvency Resolution Period mainly on the ground that the resolution plan is under consideration of CoC. It is mentioned in the minutes that the resolution plan is on the verge of finalization and may take another one month to finalize to the resolution plan in respect of the corporate debtor.
6. In the facts the Corporate Insolvency Resolution Process period in the present case is further extended by 60 days from 01.01.2020. The Resolution Professional and the members of Committee of Creditors are directed to expedite the possibility of achieving resolution of the stressed assets of the corporate debtor within the extended period.
7. CA-105(PB)/2020 is, accordingly, allowed in the aforesaid terms.

### **CA-2358(PB)/2019**

Ld. Counsel for the non applicant-respondent No. 6 & 15 seek and are granted one week time to file reply with a copy in advance to the counsel opposite. Ld. Counsel for the applicant - IRP seeks and is granted one week time to file proof of service with respect to



non applicant - respondent No. 5, 7, 9, 12, 14, 18. It shall be considered as last opportunity.

List on 28.01.2020.

**CA-2237(PB)/2019**

Ld. Counsel for the applicant - IRP seeks and is granted three days time to file the judgments in support of the application in compliance of the order dated 05.12.2019.

List for arguments on 28.01.2020.

— sd —

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

07.01.2020  
Ritu Sharma

— sd —

**(DR. DEEPTI MUKESH)**  
**MEMBER(JUDICIAL)**