

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH**

I.A. No.21 of 2020 in  
C.P. (IB) No.64/BB/2019  
U/s 12(2) & (3) of IBC, 2016  
R/w Rule 40 of IBBI (CIRP) Regulations, 2016

**IN THE MATTER OF:**

Balady Shekar Shetty  
Resolution Professional of  
M/s. Vintage Foods & Industries Limited  
E-98, 7A Cross,  
Manyata Residency, Nagavara,  
Bengaluru - 560 025.

- Applicant /RP

**Date of Order: 16<sup>th</sup> January, 2020**

**Coram:** 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)  
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

**Parties/Counsels Present:**

For the Applicant/RP : Mr. Balady Shekar Shetty

**ORDER**

**Per:** Rajeswara Rao Vittanala, Member (J)

1. I.A. No.21 of 2020 in C.P. (IB) No.64/BB/2019 is filed by Mr. Balady Shekar Shetty, Resolution Professional of M/s.Vintage Foods & Industries Limited (hereinafter referred to as 'Applicant/Resolution Professional') under Section 12(2) & (3) of the I&B Code, 2016 read with Rule 40 of the IBBI (Corporate Insolvency Resolution Process) Regulations, 2016 by inter alia seeking to extend the period to complete the Corporate Insolvency Resolution Process (CIRP) for a further period of 90 days from 21.01.2020 to 20.04.2020.
2. Briefs facts of the case, as mentioned in Application, are as follows:
  - (a) The initial Company Petition bearing C.P. (IB) No.64/BB/2019 was filed by Mr. Narendra Kumar Mohta, Director/Corporate

Applicant representing M/s. Vintage Foods & Industries Limited U/s 10 of the Code R/w Rule 7 of the I&B (Application to Adjudicating Authority) Rules, 2016 for initiating CIRP process in respect of the Corporate Debtor namely M/s. Vintage Foods & Industries Limited, and it was admitted by the Adjudicating Authority on 23.07.2019 by appointing Mr.Pankaj Khetan as the IRP and imposing moratorium, etc.

- (b) Pursuant to Section 15 of the Code R/w Rule 6 of the IBBI (CIRP) Regulations, 2016, the IRP has given public announcement in Form-A on 27.07.2019 to give intimation to the Creditors of Corporate Debtor regarding initiation of CIRP and to receive the claims from them within the prescribed time limit.
- (c) The IRP after collation of all claims received against the Corporate Debtor constituted the Committee of Creditors (CoC) as on 14.08.2019 with the following Members:

| <i>Name of Creditors</i>  | <i>Amount admitted (Rs. in Lakhs)</i> | <i>Voting Share Percentage</i> |
|---|---------------------------------------|--------------------------------|
| Edelweiss Asset Reconstruction Company Limited                                | 4,49,31,563                           | 28.51%                         |
| Karnataka State Industrial and Infrastructure Development Corporation Limited | 5,26,74,000                           | 33.43%                         |
| Stressed Assets Stabilisation Fund  | 5,99,82,686                           | 38.06%                         |
| <b>Total</b>  | <b>15,75,88,249</b>                   | <b>100</b>                     |

- (d) It is stated that the CoC in its first meeting held on 23.08.2019 voted unanimously against the IRP becoming the Resolution Professional.
- (e) It is stated that the CoC in its second meeting held on 12.09.2019 has approved to appoint Mr. Balady Shekar Shetty bearing IP Regn. No.IBBI/IPA-002/IP-N00213/2017-18/10665



as the Resolution Professional (as recommended by Stressed Assets Stabilisation Fund).

- (f) It is stated that the CoC in its fourth meeting held on 31.12.2019 has inter alia approved to seek extension of CIRP period by 90 days as under:

*“Resolved that approval of the Committee of Creditors be and is hereby given for seeking extension of CIRP period by 90 days from 21<sup>st</sup> Jan 2020 to 20<sup>th</sup> April, 2020 from Hon. NCLT in terms of Sec.12 of IBC, 2016.”*

- (g) Due to considerable time has been lost in initial days of CIRP period on account of various issues involving the IRP. The RP was appointed in the place of IRP on 24.10.2019 as per the Order of this Adjudicating Authority. The RP was given documents of the Corporate Debtor on 21.11.2019 i.e. after 27 days of passing the order and after 20 days of certified copy of the order was signed by the Registry of the Bench. Hence, 121 days of the CIRP period lapsed. Further, the RP has not yet received the valuation report from the Valuers inspite of regular follow-up with them due to non-availability of certain land documents.
- (h) It is further stated that as the CIRP proceedings are not yet completed, it is prayed to this Adjudicating Authority to extend the period to complete the CIRP of the Corporate Debtor by a further period of 90 days in the interest of justice and equity.

3. Heard Mr. Balady Shekar Shetty, learned Resolution Professional. We have carefully perused the pleadings of the party and extant provisions of the Code and the Rules made thereunder.
4. As narrated supra, the Resolution Professional is making every effort to conclude the CIRP in question within stipulated time but due to circumstances as explained above, it is not possible to conclude the

CIRP within a period of 180 days as stipulated under the Code. An appropriate Resolution was also passed unanimously by the CoC Members in its 4<sup>th</sup> meeting held on 31.12.2019 in favour of the extension of CIRP period by further 90 days. Therefore, we are satisfied with reasons cited by the Resolution Professional for seeking extension of time, and thus it is just and proper to extend a further period of 90 days beyond 180 days, which is going to expire on 19<sup>th</sup> January, 2020.

5. In the result, I.A. No.21 of 2020 in C.P. (IB) No.64/BB/2019 is allowed with the following directions:

- (a) Hereby extended for a further period of 90 days beyond 180 days starting from 20<sup>th</sup> January, 2020 till 19<sup>th</sup> April, 2020 (Original period of 180 days will expire on 19<sup>th</sup> January, 2020) in order to conclude the CIRP process in respect of Corporate Debtor as per Order dated 23<sup>rd</sup> July, 2019 passed in C.P. (IB) No.64/BB/2019.
- (b) We make it clear that no further adjournment shall be granted and the Resolution Professional is directed to take all expeditious steps to complete the CIRP within the extended period.

**ASHUTOSH CHANDRA  
MEMBER, TECHNICAL**

**RAJESWARA RAO VITTANALA  
MEMBER, JUDICIAL**