

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**NEW DELHI, COURT - II**

**Item No. 107**  
**(IB)-917(ND)2019**  
**IA/5336/2020**

**IN THE MATTER OF:**

**M/s. Ved Contracts Pvt. Ltd.**

**...Applicant/Petitioner**

**Versus**

**M/s. RG Infra Build Pvt. Ltd.**

**...Respondent**

**SECTION: 9 of IBC, 2016**

**Order Delivered on 23.12.2020**

**CORAM:**

**SHRI. ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (J)**

**SHRI L.N. GUPTA,**  
**HON'BLE MEMBER (T)**

**PRESENT:** Adv Mohit Nandwani for RP

**ORDER**

By filing this Application, the Petitioner/RP prayed for (a) Exclusion of the period of 81 days i.e. from 10.09.2020 to 02.12.2020, spent in the legal proceedings before this Tribunal, for the purpose of computation of 330 days of the CIRP period; and (b) Exclusion of such further period from 03.12.2020, i.e. date of filing of this Application till the date this application is decided, from the computation of 330 days of CIRP period.

Heard Ld. Counsel for the Petitioner Mr. Mohit Nandwani and perused the averments made in the application. In the course of arguments, Ld. Counsel appearing for the Petitioner failed to show any provision of law under which this Adjudicating Authority is empowered to extend the period beyond 330 days. The Ld. Counsel appearing for the Petitioner, however, submitted that though there is no provision, the time spent in the legal proceeding may be excluded.



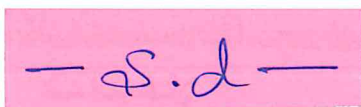
(Ginni)

In the light of that submission when we examine the relevant provision of law, we notice that the second proviso of Section 12(3) says that “provided further that the Corporate Insolvency Resolution Process shall mandatorily be completed within a period of 330 days from the insolvency commencement, including any extension of the period of Corporate Insolvency Resolution Process granted under this Section and the time taken in legal proceeding in relation to such resolution process of the Corporate Debtor”.

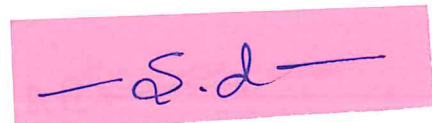
Ld. Counsel appearing for the Petitioner has also failed to show any provision of law under which this Adjudicating Authority is empowered to extend the CIR period beyond 330 days.

Therefore, in view of the second proviso of Section 12 of I&B Code, we are unable to allow the prayer of the Petitioner. Accordingly, we have no option but to reject the prayer made for exclusion of the period of Corporate Insolvency Resolution Process beyond the period of 330 days and same is hereby rejected.

The **Application is Dismissed** accordingly.



**(L. N. GUPTA)**  
**MEMBER (T)**



**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**