

DIVISION BENCH

O-107

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/1062(KB)2019
IA/325(KB)2021, IA/44(KB)2021,
IA/471(KB)2021, IA/449(KB)2021

**Present: 1. Hon'ble Member(J), Shri Rajasekhar V.K.
2. Hon'ble Member(T), Shri Harish Chander Suri**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 02nd July, 2021, 10:30 A.M

| | | | |
|---------------------|--|------------------------|---------------------|
| Name of the Company | DIPAK BHADRA Vs. RCBS REALTY PRIVATE LIMITED | | |
| Under Section | IBC under Sec 7(CIRP) | | |
| Sl. No. | Name & Designation of Authorized Representative (IN CAPITAL LETTERS) | Appearing on behalf of | Signature with date |

Counsel / Authorised Representative appeared through video conference:

1. Mr. Dripto Sen, Advocate] For RP
2. Mr. Rajat Mukherjee, RP] Self

1. Ms. Manju Bhuteria, Advocate] For applicants in IA/471(KB)2021 &
2. Mr. Anirudhya Dutta, Advocate] for R-1 in IA/325(KB)2021
3. Ms. Tanvi Luhariwala, Advocate]

1. Mr. Aritra Basu, Advocate] For R-2 in IA/325(KB)2021
2. Mr. Souradeep Banerjee, Advocate]

1. Mr. Rites Goel, Advocate] For R-3 in IA/325(KB)2021

ORDER

1. Ld. Counsel for the RP present. The Resolution Professional present in person. Ld. Counsel for applicants in IA/471(KB)2021 & for R-1 in IA/325(KB)2021 present. Ld. Counsel for R-2 in IA/325(KB)2021 present. Ld. Counsel for R-3 in IA/325(KB)2021 present.

2. **IA/449(KB)2021**

(a) This is an application filed by the RP praying for further exclusion of 89 days from 04/04/2021 to 02/07/2021 or date of hearing whichever is later for calculation of CIRP period due to 2nd wave of COVID 19 pandemic and also for extension of CIRP period by a further period of 45 days.

(b) It is submitted by the Ld. Counsel for the RP that the CoC at its 14th CoC meeting held on 06/04/2021 with 71.97% voting share has approved that an application should be filed praying for exclusion and extension.

(c) Heard the Ld. Counsel for the RP and perused the record. It appears from the records that *vide* order dated 09/10/2020 in IA No. 788(KB) 2020 this Adjudicating Authority had already granted 90 days extension beyond 180 days in the matter. Therefore, further extension of 45 days as prayed for cannot be granted. However, the prayer for exclusion of 89 days from 04/04/2021 to 02/07/2021 should be allowed. Therefore, the 89 days from 04/04/2021 to 02/07/2021 shall stand excluded from the CIRP period.

(d) IA/449(KB)2021 shall stand disposed of accordingly.

3. **IA/325(KB)2021, IA/44(KB)2021 & IA/471(KB)2021** – Respondents in each of the IA are hereby directed to file reply affidavit within two weeks. Copies thereof shall be served on the Ld. Counsel on record for the applicants. Rejoinder, if any, to be filed within two weeks thereafter. List all these IAs on **27/08/2021**.

(Harish Chander Suri)
Member (Technical)

(Rajasekhar V.K.)
Member (Judicial)

hb.