

DIVISION BENCH

O-115

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/516(KB)2018
IA/569(KB)2019, IA/328(KB)2021,
IA/339(KB)2021, IA/502(KB)2021,
IA/555(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	JAI BALAJI INDUSTRIES LIMITED Vs. BENGAL INDIA GLOBAL INFRASTRUCTURE LIMITED		
Under Section	IBC Under Sec 9(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. Mainak Bose, Advocate |] For Liquidator in IA/569(KB)2019 & |
| 2. | Mr. Debangshu Dinda, Advocate |] IA/502(KB)2021 |
| 3. | Ms. Anamika Gayen, Advocate |] |
| 4. | Mr. Sanjay Kumar Agarwal, Liquidator |] Self |
| 1. | Ms. Urmila Chakraborty, Advocate |] For Applicant in IA/555(KB) 2021 & |
| 2. | Ms. Shivangi Thard, Advocate |] R-4 in IA/569(KB)2019 |
| 1. | Mr. Rahul Parasrampur, PCS |] For Applicant in IA/339(KB)2021 & |
| | |] R-7 in IA/569(KB)2019 |
| 1. | Mr. Ratnanko Banerji, Senior Advocate |] For R-1 to R-3 in IA/569(KB)2019 |
| 2. | Mr. Kanishk Kejriwal, Advocate |] (Suspended members of Board |
| 3. | Ms. Shivangi Thard, Advocate |] of Directors) |
| 1. | Ms. Shristi Burman Roy, Advocate |] For R-8 in IA/569(KB)2019 |
| 2. | Ms. Sweta Mohanty, Advocate |] |
| 1. | Mr. Ratul Das, Advocate |] For R-9 in IA/569(KB)2019 |
| 2. | Mr. Dibesh Dwivedi, Advocate |] |

O R D E R

1. Ld. Senior Counsel / Ld. Counsel for the parties present.

2. **IA/502(KB)2021**

(a) This is an application filed by Mr. Sanjay Kumar Agarwal, Liquidator for M/s. Bengal India Global Infrastructure Limited for exclusion of 254 days (from 22/03/2020 to 30/11/2020) from the liquidation period. The applicant/Liquidator has taken recourse of regulation 47A of the IBBI (Liquidation Process) Regulations, 2016, which provides for exclusion of time due to lockdown imposed by the Central Government in respect of any liquidation process. This is a matter where this Adjudicating Authority had initiated CIRP against the Corporate Debtor vide order dated 11/10/2018. Liquidation order was passed on 17/05/2019.

(b) Ld. Counsel for the Liquidator submits that due to outbreak of the global COVID-19 pandemic, there was nationwide lockdown imposed from 22nd March 2020. The lockdown was lifted in a phased manner. As such, it was not possible for the applicant/Liquidator to function as the way it was required. Pursuant to the above reason, the applicant requires some more time to complete the liquidation process of the Corporate Debtor. Hence, filed the instant application praying for exclusion of 254 days, i.e., from 22/03/2020 till 30/11/2020 in the liquidation process.

(c) We have heard the Ld. Counsel for the Liquidator and perused the record. We are satisfied that the prayer made in the IA should be allowed. Therefore, 254 days period from 22/03/2020 till 30/11/2020 shall stand excluded from the liquidation period. Therefore, the Liquidator shall complete the process before the expiry of 730 days.

(d) IA/502(KB)2021 shall stand disposed of with the above directions.

3. **IA/555(KB)2021** – This is an application seeking early hearing of IA/569(KB)2019. Since IA/569(KB)2019 is already on Board today, nothing survives in IA/555(KB)2021 and the same shall stand disposed of accordingly.

4. **IA/328(KB)2021** is an application filed by R-6 seeking recalling of the order dated 07/01/2020 declaring R-6 *ex parte*. Ld. Counsel appearing for the RP in IA 569(KB)2019 submits that issue of preferential transactions qua respondent no.6 has already been sorted out and they have no claim against the respondent no 6. Hence, in IA/569(KB)2019, R-6 shall be dropped from the array of parties in IA/569(KB)2019. Consequently, IA/328(KB)2021 shall stand dismissed as infructuous.

5. **IA/339(KB)2021**– This is an application filed by R-7 seeking recalling of the order dated 07/01/2020 declaring R-7 *ex parte*. Ld. Counsel for the RP is directed to take instruction in so far as respondent no.7 company, which is under liquidation and represented by its Liquidator.

6. List these matters on 13/07/2021.

(Harish Chander Suri)
Member (Technical)

(Rajasekhar V.K.)
Member (Judicial)

hb.

