

DIVISION BENCH

O-130

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/767(KB)2020
IA/480(KB)2021
IA/448(KB)2021
IA/447(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	UNIVERSAL INTERNATIONAL CREATION LIMITED Vs. SARGA HOTEL PRIVATE LIMITED		
Under Section	IBC Under Sec 9		
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. Rishav Banerjee, Advocate] For RP & IA Nos. 447, 448 & 480(KB)2021
2. Mr. Rajarshi Banerjee, Advocate]

ORDER

1. Ld. Counsel for the parties present.
2. In the order dated 07/04/2021 the date of the order of the Hon'ble NCLAT has gone down wrong as 12/10/2020 instead of **21/09/2020**.
3. **IA/447(KB)2021, IA/448(KB)2021 & IA/480(KB)2021** - In so far as these applications are concerned, some of them have been filled u/s. 42 by way of an appeal, but they are to come under provisions of section 60(5) of the Code. Since the CIRP of the Corporate Debtor is in progress, we are satisfied as to the reasons for the delay. RP has also no objections if the delay is condoned. Therefore, the delay is hereby condoned. The RP is directed to collate the claim of the applicants uninfluenced by the fact that the delay is condoned. With these directions, all the above IAs shall stand disposed of.

4. In the interest of equity, since there is already stay on the constitution of the CoC, no harm will be caused, if the benefit of this order may be extended, who may have filed their claim beyond the stipulated date because of the non-functioning of the CoC. This benefit of condonation of delay shall be extended to those creditors, so long as stay continues.

5. There is already stay on the functioning of the CoC. CP(IB) No.767(KB)2020 is hereby adjourned *sine die with* liberty granted to mention the matter, if the Hon'ble NCLAT has decided the matter.

(Harish Chander Suri)
Member (Technical)

(Rajasekhar V.K.)
Member (Judicial)

hb.

