

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT – IV

ITEM No. 101

IA No.- 1992/ND/2021 in IB- 1526/ND/2019

IN THE MATTER OF:

Amritvani Exim Pvt. Ltd. ... Applicant/Petitioner

Vs

Ajanta Offset and Packaging Ltd. ... Respondent

Order under Section 9 of IBC.

Order delivered on 01.06.2021

Coram:

**DR. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)**

**MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Applicant :
For the RP : Mr. Abhishek Parmar, Adv.
For the IBBI : Mr. Abhishek Kumar, Adv.
For the SBI : Mr. Siddharth Singh, Adv.

ORDER

IA No. 1992/ND/2021:

Application filed by RP seeking exclusion of 222 days and further praying for extension of 90 days from expiry of 180 days of CIRP period. In compliance of the order dated 17th May 2021, Learned RP, Learned Counsel for SBI Bank Mr. Siddharth and the Manager of Canara Bank Mr. Abhishek are present. None appears for Union Bank of India and Exim Bank, in spite of various directions by the Bench. We order cost of Rs. 5,000/- each, on Union Bank of India and Exim Bank, to be paid in Prime Minister Relief Fund and file proof of payment within two weeks. Learned Counsel for RP states that CIRP order was passed on 04th February 2020 and immediately in the next month the covid-19 Pandemic lockdown was declared by the Government. The 180 days period expired on 02nd August 2020 but in view of direction of Hon'ble NCLAT and amendment in IBBI Rules, 40(c), Covid-19 Pandemic lockdown period was allowed to be excluded. Learned Counsel states that exclusion from 22nd March 2020 upto 30th June 2020 to be granted as the office of RP is placed in Gaziabad and in the month of June borders of Delhi were sealed. Learned Counsel further states that 90 days further extension from expiry of 180 days

be also granted. We grant exclusion of 100 days for Covid-19 Pandemic lockdown and further grant 90 days extension from expiry of 180 days.

As per Section 12 (3) proviso, the total number of 330 days are prescribed for conducting the CIRP. We further allow availing of 60 days to conduct CIRP. Learned Counsel for RP states that resolution plan was received and the CoC member was considering the same. It is submitted that Resolution Applicant requested time to file revised plan, which was granted by CoC upto 17th April 2021. It is further submitted that CIRP could not be progressed as the RP himself had suffer from lung infection for some period and due to the declaring of the containment zone and office of RP being closed for the reason, the staff getting infected, the present application could not be filed at appropriate time. Learned RP and Counsels for SBI and Canara Bank request to condone such delay. Learned Counsel for RP further states that since resolution plan was received on 09th April, which was put on hold for voting, as requested by resolution applicant, to enable him to file improved plan, which is not received till date. Hence, requests to extend the CIRP period beyond 330 days to enable CoC to pass resolution for liquidation. Considering all circumstances and submissions made, we allow extension of 70 days from the expiry of 330 days of CIRP period from 09th April 2021 which will end on 18th June 2021. Learned Counsel for RP undertakes to file appropriate application before the expiry of CIRP. Application is allowed and disposed of in terms of above order.

Sd/-
SUMITA PURKAYASTHA
MEMBER (T)

Sd/-
DR. DEEPTI MUKESH
MEMBER (J)