

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT - IV

ITEM No. 1
IA-2839/ND/2021
(IB)/394(ND)2019

IN THE MATTER OF:

Fine Group Corporation Limited	...	Applicant
Vs.		
Lemon Electronics Limited	...	Respondent

Order under Section 9 of IBC.

Order delivered on 09.07.2021

Coram:

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

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

PRESENT:

For the Applicant :
For the RP : Mr. Abhishek Anand, Mr. Viren Sharma, Advs.
For Geodis India Pvt. Ltd. : Mr. Jitender Mehta, Advocate

ORDER

IA-2839/ND/2021:

This is an application filed by one of the Operational Creditors seeking to consider its claim which is rejected by Resolution Professional on the ground that the claim is filed after the CoC has approved the Resolution Plan. Learned Counsel for the Operational Creditor states that the present Applicant came to know about the CIRP against Corporate Debtor at a very advanced stage and hence could not file claim in time. In the interest of justice the same be considered. Mr. Abhishek Anand, Learned Counsel for the Resolution Professional states that the CoC had approved the Resolution Plan in the month of January 2021. Order in the Resolution Plan under Section 31 filed by the Resolution Professional was reserved in February 2021 and the present claim was received by the Resolution Professional in the month of April 2021. As per the settled law the same could not be considered. We need not repeat the settled law that after the Resolution Plan

is approved, no further claims can be added and Resolution Applicant cannot be burdened by hydra popping of such claims. Hence, we reject the application.

Application is **dismissed**.

Sd/-
SUMITA PURKAYASTHA
MEMBER (TECHNICAL)

Sd/-
DR. DEEPTI MUKESH
MEMBER (JUDICIAL)

UPASANA