

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**

**Item No.-113**  
IB-2728/ND/2019  
New IA/2161/2021  
(Exclusion of CIRP)

**IN THE MATTER OF:**

Om Logistics Ltd  
V/s  
Serval India Pvt Ltd

....Applicant

....Respondent

**SECTION**

U/s 9 IBC

Order delivered on 11.05.2021

**CORAM:**

**SHRI ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI K.K. VOHRA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : CS Prabhakar Kumar & CS Suraj Sharma for Applicant  
Resolution Professional  
For the Respondent :

**ORDER**

IA/2161/2021

By filing this application, the applicant has made the following prayer:-

**(a) Kindly allow the exclusion of the period of 128 days from the Corporate Insolvency Resolution Process Period of Serval India Private Limited which expires on 04.05.2021 including the period lost in lockdown declared from 19th April, 2021 which extended till 10th May, 2021 considering the severity due to outbreak of second waves of the Pandemic Covid 19 as well as the period lost of 106 days in pronouncement of orders which was reserved on 03.11.2020 and pronounced on 18.02.2021.**

**(b) To Issue necessary directions/orders for extension of CIRP Process of the Corporate Debtor by 60 days beyond the 330 days considering the fate of employees and other stakeholders i.e. from 05.05.2021 to 03.07.2021 with both days included.**

We have heard the Ld. Counsel for the applicant and perused the averments made in the application. Ld. Counsel for the applicant submitted that the resolution plan submitted by the resolution applicant was considered by the CoC and the CoC after considering the resolution plan directed the Resolution applicant to make some modification in the plan and same was returned to the resolution applicant for modification. He further submitted that the RP has received the E-mail from the resolution applicant, at page no. 30 of the application, in which, he has prayed for extension for submission of revised resolution plan till 10.05.2021. He further submitted that in view of that, the present application is filed and the resolution professional has prayed for exclusion of the period commencing from 19.04.2021 to 04.05.2021 on the ground of lockdown imposed by the Delhi Government because the registered office of the CD is situated within the territorial jurisdiction of Delhi Government. He further submitted that apart from that, the applicant has also prayed for exclusion of the period of 106 days on the ground that two applications which were heard and orders were reserved on 3.11.20 were pronounced on 18.11.21. One is under Section 19 of IBC and other is under Section 43 of the IBC. He further submitted that apart from that the applicant has also prayed for extension of 60 days beyond the period of 330 days.

Considering the submissions and on perusal of the averments made in the application as well as the situation prevailing, we notice, the lockdown imposed by the Delhi Government is still continuing even after 04.05.2021 and we further notice that the resolution plan had also been filed and considered by the CoC and it was sent to the resolution applicant for some modification and for that the resolution applicant has prayed for extension of time till 10.05.2021.

So, Considering this, without going into the other facts, we think it proper to exclude the period on the ground of lockdown imposed by the Delhi Government from 19.04.2021 to 04.05.2021 (the day when period of 330 days of the CIRP has come to end) i.e. 16 days. Since the lockdown is continuing, we exclude this period of 16 days commencing from 19.04.2021 to 04.05.2021. And it shall be effective from the date when the lockdown imposed by the Delhi

State Government will be recalled. The resolution professional is directed to convene the meeting/s of CoC during this period if the plan is submitted.

With this the present IA stands disposed of.

Sd/-

**(K.K. VOHRA)**  
**MEMBER (T)**

Sd/-

**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**

Lalit