

② & ③

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

IA/1262/IB/2020 in IBA/1045/2019

Along with

IA/480/CHE/2021 in IBA/1045/2019

*(filed under Section 12(2) of the Insolvency and Bankruptcy Code,
2016 read with Regulation 40C of the IBBI(Insolvency Resolution
Process for Corporate Persons) Regulations 2016)*

*In the matter of **M/s. Easun Reyrolle Limited***

B. Parameshwara Udpa

Resolution Professional of
M/s. Easun Reyrolle Limited
H.No. 827/7, 8th A Main, 4th Block,
BEL Layout, Vidyaranyapura,
Bangalore – 560 097

... Applicant/Resolution Professional

Order Pronounced on 20th July 2020

CORAM:

**R.SUCHARITHA, MEMBER (JUDICIAL)
ANIL KUMAR B, MEMBER (TECHNICAL)**

For Applicant : B. Dhanaraj, Advocate

COMMON ORDER

Per: ANIL KUMAR B, MEMBER (TECHNICAL)

1. The above IA/1262/2020 has been preferred by the Resolution Professional under section 12(2) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "IBC, 2016") read with Regulation 40C of the IBBI(Insolvency

Resolution Process for Corporate Persons) Regulations 2016 and Rule 11 of NCLT, Rules, 2016 seeking for the following relief;

- a. To exclude the Covid-19 lockdown period from 05.05.2020 till 31.08.2020 (119 days) from the computation of the period provided for CIRP under the IBC, 2016 and extend the CIRP till 27.02.2021 as 180th day of CIRP of the Corporate Debtor M/s. Easun Reyrolle Limited.
- b. Pass such further or other orders which this Hon'ble Tribunal may deem fit and proper in the circumstances of this case and thus render justice.

2. It is averred in the application that the Corporate Insolvency Resolution Process (CIRP) was initiated against the Corporate Debtor viz. M/s. Easun Reyrolle Limited by this Tribunal on 05.05.2020 and the Applicant herein was appointed as the Interim Resolution Professional.

3. It was submitted that a public announcement in respect of initiation of the Corporate Insolvency Resolution Process in respect of M/s. Easun Reyrolle Limited and calling for submission of claims under Section 15 of IBC, 2016 was made by the Interim Resolution Professional. It is further averred in the Application that the Applicant constituted the Committee of Creditors with 6 Financial Creditors and accordingly the 1st CoC meeting was held on 10.06.2020. In the said meeting the



Applicant herein was appointed as the Resolution Professional in respect of the Corporate Debtor.

4. It was submitted by the Learned Counsel for the Applicant that the 180th day of the CIRP was ended on 02.11.2020 and the CoC in its 5th meeting held on 09.10.2020 has passed a Resolution for excluding the Covid – 19 lockdown period i.e. from 05.05.2020 till 31.08.2020 from the CIRP timeframe. The Resolution passed by the CoC is extracted hereunder;

“It was resolved to file a suitable application before the NCLT Chennai for exclusion and extension of period of CIRP due to lockdown imposed on account of Covid – 19 pandemic as per IBBI notification No. IBBI/2019-20/GN/REG059 dated 29.03.2020, the Resolution Professional was authorized to file such Application.”

5. After filing of IA/1262/2020, the Applicant has filed IA/480/CHE/2021 seeking further exclusion of lockdown period from 01.09.2020 till 31.01.2021.

6. From the averments made in the Application, it is seen that the Expression of Interest was issued by the Applicant on 10.02.2021 and in pursuance of the same, the Applicant has evinced interest from the prospective Resolution Applicant and that the RP has prepared the Final list of prospective Resolution

Applicant and the last date for the submission of the Resolution plan was fixed as 26.04.2021.

7. Further, it is pertinent to note here that due to Covid-19 pandemic coupled with attendant lockdown imposed by the Central / State Government, the Regulator viz. IBBI has introduced an Amendment in the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, so as to exclude the period of lockdown from the CIRP timeline. Regulation 40C of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 states as follows;

40C. Special provision relating to time-line.

Notwithstanding the time-lines contained in these regulations, but subject to the provisions in the Code, the period of lockdown imposed by the Central Government in the wake of Covid-19 outbreak shall not be counted for the purposes of the time-line for any activity that could not be completed due to such lockdown, in relation to a corporate insolvency resolution process.

8. Thus, by taking into consideration the totality of the circumstances and also keeping in mind the facts of the present case, in view of Regulation 40C of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 the period from 05.05.2020 till 31.01.2021 (272 days) is excluded from the period of CIRP in respect of the Corporate Debtor and the 180th day of the CIRP in relation to the Corporate Debtor will

come to an end on **30.07.2021**. The Applicant shall make every endeavour to complete the CIRP in relation to the Corporate Debtor within the timelines as prescribed under the Code. Accordingly, the applications stand **allowed**.

-sd-
(ANIL KUMAR B)
MEMBER (TECHNICAL)

-sd-
(R. SUCHARITHA)
MEMBER (JUDICIAL)

Raymond