

IN THE NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI, COURT - II

Item No. 311

(IB)-1071(ND)2018

**IA/2605/2020, IA/4805/2020, IA/4996/2020, IA/4998/2020,
IA/4919/2020, IA/4920/2020 & IA/4927/2020**

IN THE MATTER OF:

State Bank of India

Applicant/Petitioner

Versus

M/s. Shri Shyam Ji Ahrico Exports Pvt. Ltd.

...Respondent

SECTION: 7 Of IBC, 2016

Order Delivered on 23.11.2020

CORAM:

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

**SHRI L.N. GUPTA,
HON'BLE MEMBER (T)**

PRESENT: Adv. Vishav Bharti Gupta (IA No. 4920 & 4927) along with the Liquidator, Vishnu Kumar, Advocate, for Liquidator and Sanjay Kumar Aggarwal, Liquidator for Corporate Debtor.
Adv. Kunal Bawa, for Respondent

ORDER

IA/2605/2020: List the matter on 11.01.2021.

IA-4805/2020: This is the progress report. The same is taken on record subject to just exceptions.

The IA stands Closed.

IA-4919/2020: This is the progress report. The same is taken on record subject to just exceptions.

The IA stands Closed.

IA-4996/2020: This is the progress report. The same is taken on record subject to just exceptions.

The IA stands Closed.

IA-4998/2020: This is the supplementary Affidavit filed in IA 2605/2020. Place the same with IA 2605/2020.



IA-4920/2020: Ld. Counsel appearing for the Liquidator submitted that the present application is filed for an urgent listing of IA-4927/2020. Since the same has already been listed today, the present IA has become infructuous.

The IA is dismissed, being infructuous.

IA-4927/2020: The present Application is filed on behalf of the Liquidator praying therein to exclude the period from 6th November, 2019 to 28th January, 2020 because the copy of the Liquidation Order was received by the Liquidator on 30th January, 2020 and also exclude the period from 23rd March, 2020 till the date of Order on the ground of lockdown. We have heard Ld. Counsel appearing for the Liquidator and perused the averment made in Application.

Ld. Counsel appearing for the Liquidator submitted that the Liquidator had applied for a certified copy of the Order dated 6th November, 2019 on 15th November, 2019 and received the certified copy on 30th January, 2020 as would be evident from the certified copy of the Order placed is at Page-29 of the Application.

Considering the submission made on behalf of Liquidator and the facts mentioned in the Application, we notice that on page-29, the Liquidator has attached the certified copy of the Order as Annexure A-1, which shows that the Liquidator had applied for a certified copy on 15th November, 2019 and received the same on 30th January, 2020, whereas the Order of Liquidation was passed on 5th November, 2019. The Liquidator has also prayed for exclusion of the period of lockdown. So far as the exclusion of the period on the ground of obtaining the certified copy of the order, we hereby exclude the period from 15th November, 2019 to 30th January, 2020 i.e. a total period of 76 days. We further exclude the period of lockdown from 25th March to 30th June, a total period of 98 days from the total period of one year of the liquidation commencing from 6th November, 2019.

Before parting with the order, we would also like to refer the matter to the Registrar, NCLT to cause an enquiry as to why there was such a delay in supplying the certified copy of the order and take appropriate action.

With this, **the present IA stands disposed of.**


(L. N. GUPTA)
MEMBER (T)


(ABNI RANJAN KUMAR SINHA)
MEMBER (J)