

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

CP (IB) No. 93/2018

U/s 9 of IBC, 2016 r/w 6 of I & B

(Application to Adjudicating Authority) Rules 2016

In the matter of:

M/s. Stella Moda Fab LLP
21 A, Kewal Industrial Estate,
Senapati Bapat Marg,
Lower Parel,
Mumbai-400013

- Petitioner/Operational Creditor

Versus

M/s. Scotts Garmets Ltd
481 B, IV Phase,
Peenya Industrial Area,
Bengaluru-560058

- Respondent/Corporate Debtor

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (J)
2. Hon'ble Dr. Ashok Kumar Mishra, Member (T)

Order delivered on: 20th September, 2018

Parties/Counsel Present:

For the Petitioner : Ms. Shalini, Advocate (Not present)
For the Respondent : Shri Balram R. Rao (Not present)

ORDER

Per: Rajeswara Rao Vittanala, M (J)

1. C.P(IB) No.93/2018 is filed by M/s. Stella Moda Fab LLP, u/s 9 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application and Adjudicating Authority) Rules, 2016 by seeking to initiate Corporate Insolvency Resolution Process(CIRP) against the Respondent Company M/s. Scotts Garments

Limited (Corporate Debtor) on the ground that the Corporate Debtor had defaulted in making payment of principal amount of Rs. 55,69,418/- (Rupees Fifty Five lakhs sixty nine thousand four hundred eighteen only) along with interest at 24% per annum.

2. C.P(IB) No.93/2018 is listed for admission on 10.04.2018, 18.04.2018, 10.05.2018, 13.06.2018, 03.07.2018, 13.07.2018, 06.08.2018, 20.08.2018, 06.09.2018, 10.09.2018. This case was last posted under caption "**For Dismissal**" on 20.09.2018. On this date none appeared for both the Parties.

3. By perusal on records, the Tribunal finds that has already been initiated CIRP against M/s Scotts Garments Limited, which is same Corporate Debtor in the instant case, by order dated 13.08.2018 passed in CP(IB) No. 68/BB/2018. Therefore, another CIRP proceeding is not maintainable on the same Corporate Debtor, which is undergoing CIRP proceedings.

4. Hence, CP(IB) No. 93/2018 is disposed of by permitting the Petitioner/ Applicant to submit its claim before the Shri N Shiva Kumar IRP appointed in CP(IB) No.68/BB/2018, and directed IRP to consider the claim made by the petitioner, in accordance with law, as expeditiously as possible.

MEMBER (T)

MEMBER (J)