

THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH
NEW DELHI

CA. No.405(PB)/2017
CP. No.IB-101(PB)/2017

SECTION: UNDER SECTION 12 OF INSOLVENCY & BANKRUPTCY CODE, 2016

IN THE MATTER OF:

M/s Educomp Solutions Limited

..... Petitioner

Order delivered on 13.11.2017

Coram:

R.VARADHARAJAN
Hon'ble Member (Judicial)

DEEPA KRISHAN
Hon'ble Member (Technical)

For the Petitioner(s) : -

For the Respondent(s) : Mr.Siddharth Srivastava, Mr. Gursaj Singh & Mr. Harshit Khare,
Advocates for Resolution Professional.

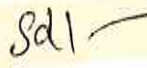
ORDER

This is an Application seeking for the extension of time filed by the Resolution Profession under the provisions of Section 12 of the Insolvency and Bankruptcy Code, 2016 read with Regulation 40 of the Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations,2016 and from the perusal of the Application it is evident that Hon'ble Principal Bench was pleased to admit the Petition on 13.5.2017 for initiating Corporate Insolvency Resolution Process (CIRP) under Section 10 of IBC,2016 and vide said order one Mr. Sanjeev Aggarwal was named as the Interim Resolution Professional (IRP). The report also discloses that first meeting of the Committee of Creditors (COC) was convened by the IRP on 30.6.2017 and subsequently certification of registration of IRP had expired and he was not in a position to act and hence the



present Resolution Professional was appointed by the Hon'ble Principal Bench vide order dated 12.9.2017 in terms of the provisions of Section 22 of IBC,2016. In view of the above changes, it is submitted by the Resolution Professional that effectively he was allowed to take over the activities of the Company by assuming charge only subsequently i.e. after 12.9.2017 and that the meeting of COC was convened on 13.10.2017 and the Members of COC were informed that there has been delay in compliance with the provisions of IBC,2016 in view of the fixed time line provided for the Resolution Process. However, COC felt that the audited financial statement of the Corporate debtor is required to be placed on record and that the Resolution Professional communicated the Statutory Auditor to this effect and it was represented by the Statutory Auditor that the audit activities in relation to the Company stand suspended only from 2.6.2017 in view of the CIRP process having been unfolded vide letter dated 25.7.2017, the Statutory Auditor is of the view that approximately 30-35 working days will be required to complete the audit subject to timely availability of the requisite information on the part of the Corporate Debtor. Keeping in mind the above facts the Ld. Counsel represents that the 4th meeting of COC was convened on 2.11.2017 where the developments in relation to the Corporate Debtor were brought to the notice of the COC. Since 180 days period as mandated under the provisions of IBC,2016 was expiring on 26.11.2017, approval of Members of COC was sought for the extension of the duration of CIRP in terms of the provisions under which this Application has been filed. The report also discloses that for seeking extension of time there had been support from 91.82% of the votes of the Financial Creditor and in the circumstances this Application has been filed for extension for a further period of 90 days i.e. till 24.02.2018. Taking into consideration the developments which have taken place, as narrated by the Resolution Professional in the Application which has been filed and since it is also represented at the time of oral representation by the Ld. Counsel for the Resolution Professional that there is every likelihood of resolution plans being filed, the time is extended as prayed for in the Application taking into consideration the overwhelming majority vote and in the circumstances the Application is allowed and same is disposed of accordingly.


(DEEPA KRISHAN)
MEMBER (TECHNICAL)


(R.VARADHARAJAN)
MEMBER (JUDICIAL)

U.D.Mehta
13.11.2017