

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

COURT-V
(Division Bench)

Item No.-106

IB-323/ND/2019
New IA/3215/2024

IN THE MATTER OF:

Mr. Ratan Singh

Vs.

M/s. Theme Export Pvt. Ltd.

....Applicant

....Respondent

SECTION

U/s 9 IBC Liq.

Order delivered on 02.07.2024

CORAM:

SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)

Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant :

For the Respondent :

For the Liquidator : Adv. Abhishek Anand, Adv. Karan Kohli, Adv. Ishaan
Dhingra

HYBRID HEARING (PHYSICAL & VC)

ORDER

New IA/3215/2024:-

This is an application filed by the Liquidator in terms of Section 60(5) of the IBC read with Rule 11 of the NCLT Rules, 2016 seeking exclusion of period w.e.f. 13.06.2023 to 12.06.2024 for the purpose of computation of liquidation period on the ground that Company Appeal No. 8/ND/2020 is still pending for adjudication. Heard the submission made by Ld. Counsel on behalf of Liquidator. It was submitted that the Hon'ble NCLAT vide order dated 27.01.2022 passed in Company Appeal (AT) (Insolvency) No. 935 of 2021 has directed to exclude the certain period on the ground that the said Company Appeal is pending for adjudication. Thereafter, at two occasions, this Adjudicating Authority had excluded the period on the same ground. In view of the fact that the Company

Appeal No. 8/ND/2020 is still pending and in view of the findings given by the Hon'ble NCLAT, the period from 13.06.2023 to 12.06.2024 is excluded for the purpose of calculation of the liquidation period provided under Regulation 44 of the IBBI (Liquidation Process) Regulations, 2016. With these observations, the present application i.e. New IA/3215/2024 is **disposed off**.

Sd/-
(Dr. SANJEEV RANJAN)
MEMBER (T)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)