

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**Item No. 106**  
**(IB)-328(PB)/2019**

**IN THE MATTER OF:**

Prayag Polytech Pvt. Ltd.

.... Applicant/petitioner

Vs.

Sumeru Processors Pvt. Ltd.

.... Respondent

**Order under Section 7 of IBC, 2016**

**Order delivered on 15.04.2019**

**Coram:**

**CHIEF JUSTICE (RTD.) M. M. KUMAR**  
**HON'BLE PRESIDENT**

**SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Petitioner/Applicant: Mr. Virender Ganda, Sr. Adv. with Mr. Vipul Ganda,  
Ms. Shreya Jain, Advs.

For the respondent Mr. Narendra M. Sharma, Ms. Anindita Singh, Mr.  
Aditya Singh, Advs.

**ORDER**

Against the same corporate debtor, a petition under Section 7 of Insolvency and Bankruptcy Code, 2016 has already been admitted namely Enkay (India) Rubber Co. Pvt. Ltd. v. Sumeru Processors Pvt. Ltd. [(IB)-1493(PB)/2018] vide order passed on today i.e. 15.04.2019. As per the provisions of Section 11 of the Code, 2016 another Corporate Insolvency Process cannot be initiated against a corporate debtor that is undergoing a corporate insolvency resolution process. However, it is needless to add that the petitioners would be entitled to file their claim before the Insolvency Professional Mr. Vijender Sharma with the address VRSA Insolvency Professionals



LLP, Building No.11, 3<sup>rd</sup> Floor, Hargovind Enclave, Vikas Marg, New Delhi - 110092 and E-mail-id – vijender@vsa.net.in. His registration number is IBBI/IPA-003/IP-N00003/2016-17/10022 in accordance with law which shall be duly considered.

It is made clear that if for any reason the Appellate Tribunal sets aside in the order dated 15.04.2019 then the petitioner shall be entitled to file appropriate application for revival of the petition or file a fresh petition.

The petition is dismissed as having been rendered infructuous with liberty in terms of the order.

Sd/-

**(M. M. KUMAR)**  
**PRESIDENT**

Sd/-

**(S. K. MOHAPATRA)**  
**MEMBER (TECHNICAL)**

15.04.2019.  
Aarti Makker