

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Division Bench)

Item No.-518

(IB)-264(PB)/2023

IA(Liq.)/33/2024, IA/4193/2024, IA/4040/2024, IA/3893/2024,
IA/3976/2024, IA/1640/2024, IA/3254/2023, IA/3942/2023, IA/4361/2023,
IA/5973/2023

IN THE MATTER OF:

Go Airlines (India) Limited

.....Applicant

SECTION

U/s 10 IBC

Order delivered on 15.10.2024

CORAM:

**SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)**

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

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Mr. Sunil Fernandez, Sr. Adv. with Mr. Ashwarya Singh, Adv. in IA/4040/2024
Mr. Marylou Bilawala , Ms. Sharleen Lobo, Ms. Priya Desai, Ms. Saakshi Malpekar, Advs. in IA/1640/2024 & IA/3254/2023
Mr. Saurabh Balwani, Mr. Sumit Chatterji, Advs. in IA/3976/2024
Ms. Ubhai Bharti Gupta, Adv. in IA/3893/2024

For the Respondent :

For the RP : Mr. Ritin Rai, Sr. Adv. with Mr. Diwakar Maheshwari, Mr. Vishnu Shriram, Ms. Pratiksha Mishra, Mr. Shreyas Edupuganti, Mr. Rohitesh Bhat, Mr. Karan Boothra, Advs.

For the CoC : Ms. Vishrutyi Sahni, Ms. Muskaan Gupta, Advs.

ORDER

IA(Liq.)/33/2024:-

Head the submission made by Ld. Sr. Counsel on behalf of the Resolution Professional in part. Ld. Counsel on behalf of the Suspended Management is present and submitted that they have filed their response which is available on the e-portal of the Tribunal. List this application for continuation of the argument on **08.11.2024** at **12:00 pm**.

IA/4040/2024:-

This is an application filed under Section 60(5) of the IBC, 2016 read with Rule 11 of NCLT Rules, 2016 seeking certain directions to the Resolution Professional to admit the claim of the Applicant. Heard the submission made by Mr. Sunil Fernandez, Ld. Sr. Counsel on behalf of the Applicant. Ld. Counsel on behalf of the Resolution Professional is also present. Ld. Sr. Counsel submitted that earlier they have filed the claim to the Resolution Professional and the said claim was admitted by the Resolution Professional. However, due to some inadvertent error, the claim of complete amount could not filed before the Resolution Professional and for that purpose a direction has been sought from this Adjudicating Authority. Ld. Counsel on behalf of the Resolution Professional is present and submitted that the Applicant has neither filed their revised claim before the Resolution Professional nor a fresh claim has been filed by the Applicant. As per the provision contained in the IBC and CIRP Regulations, time provided for filing such claim has already been expired. In our view, it was appropriate for the Applicant to approach first to the Resolution Professional for submitting their revised claim. However, since the time period for filing claim is already over, legally Resolution Professional cannot consider any claim at this stage. Therefore, in view of the facts and circumstances of the case, we are condoning the delay in filing the claim by the Applicant before the Resolution Professional. Applicant is directed to submit their revised or fresh claim before the Resolution Professional within a period of

two weeks and the Resolution Professional is directed to examine the same claim as per the law and take appropriate decision and inform the same to the Applicant. It is made it clear that we have not examined the merit of the claim. With these observations, the present application i.e. IA/4040/2024 is **disposed of**.

IA/3976/2024:-

This is an application filed under Rule 11 of NCLT Rules, 2016 seeking withdrawal of the IA/4361/2023. Heard the submission made by Ld. Counsel on behalf of the Applicant. Liberty is granted to the Applicant to withdraw the IA/4361/2023 and the same is **dismissed as withdrawn**. The present application i.e. IA/3976/2024 is **disposed of**.

IA/1640/2024:-

This is an application filed under Section 60(5) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016 seeking directions to the Resolution Professional to admit the claim of the Applicant. Ld. Counsel on behalf of the Applicant is present and sought liberty to withdraw the present application with a liberty to file their claim again with the Resolution Professional/Liquidator. Liberty is granted to the Applicant to withdraw the present application without prejudice to the right of the Applicant. With these observations, the present application i.e. IA/1640/2024 is **dismissed as withdrawn**.

It is made clear that we have not given any finding on the merits of the claim.

IA/3254/2023:-

This is an application filed under Section 60(5) of IBC, 2016 read with Rule 11 of NCLT, Rules, 2016 seeking certain directions relating to the engine which has been lease by the Applicant to the Corporate Applicant. Ld. Counsel on behalf of the Applicant is present and submitted that in view of the order passed by the Hon'ble Delhi High Court, the possession of the engine has

already been given to the Applicant. Therefore, the present application has now become infructuous. The present application i.e. IA/3254/2023 is **dismissed as infructuous.**

IA/4193/2024, IA/3893/2024, IA/3942/2023 & IA/5973/2023:-

List all these applications on **08.11.2024.**

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

**Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)**