

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**

**Item No.-206**  
IB-2068/ND/2019  
IA/3311/2020

**IN THE MATTER OF:**

Century Road Transport Pvt Ltd  
Vs  
Tyson Retail Services Pvt Ltd

....Applicant

....Respondent

**SECTION**

U/s 9 IBC Code 2016

Order delivered on 07.09.2020

**CORAM:**

**SHRI ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI K.K. VOHRA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Nikunj Hurria IRP, Mr. Ashwani Kumar for petitioner  
For the Respondent :

**ORDER**

**IA/3311/2020:-**

The present application has been filed on behalf of IRP praying therein for exclusion of time period of CIRP from the date of admission order i.e. 04.06.2020 till the date of passing of order in the present application.

Mr. Amit, IRP has appeared in person and Mr. Nikunj appeared on behalf of IRP as well as Mr. Ashwani Kumar appeared on behalf of petitioner.

Ld. Counsel for IRP submitted that although the order passed on 04.06.2020 but the IRP has come to know about the order only on 04.08.2020 from the third person and he further submitted that he has not received the email for communication by the office and there is some error in the email address of the IRP written by the office, on this ground, IRP prayed for exclusion of time period from the



passing of admission order dated 04.06.2020 till the date of passing of the order in the present application.

On the other hand, Ld. Counsel for Operational Creditor submitted that although the Operational Creditor was directed to deposit Rs 2 lacs vide order dated 04.06.2020, since, the order was not communicated to him to deposit the said amount and he further submitted that the said amount directed by this Adjudicating Authority may be reconsidered and Operational Creditor may be directed to deposit Rs. 1 Lakh.

Considering the submissions made on behalf of parties and as per the report of the office. Office had sent the email on the same date i.e. 04.06.2020 to communicate with the IRP, as pointed out by the IRP that email address mentioned in the email is incorrect and there <sup>is</sup> some word missing in that email address and that is the reason the IRP for the first time came to know about the order from the third person on 4.08.2020, thereafter, IRP has taken steps towards the CIRP and we further noticed that the Operational Creditor has not deposited the amount as yet, so far the exclusion is concerned, since the order was not communicated to the IRP, therefore, we think it proper to exclude the period of CIRP from the 04.06.2020 till 04.08.2020 i.e. 62 days, the date when the order was passed and when the IRP has come to know about the order of admission and accordingly, we hereby exclude the total period of CIRP of 62 days from the period of CIRP.

So far the amount not deposited by the Operational Creditor is concerned, Operational Creditor is directed to comply the directions and deposit the aforesaid amount within 4 days from today and communicate this Adjudicating Authority on 11.09.2020. **List the case on 11.09.2020** for information furnish by the Operational Creditor whether the said amount is deposited or not.

With this order, the prayer for exclusion of time period of CIRP is hereby allowed, which is mentioned in aforementioned paras.

It has come to our notice that the office is only communicate the order to the IRP but as per order, office is directed to communicate with the IRP as well as both the parties, hence, office is directed to communicate the order with the parties as well as IRP soon after the passing of order .

Sd/-

(K.K. VOHRA)  
MEMBER (T)

Sd/-

(ABNI RANJAN KUMAR SINHA)  
MEMBER (J)