

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

Item No.-203
IB-2753/ND/2019
IA/2766/2020

IN THE MATTER OF:

K.K. Infonet System

Vs

Cloudrie Technologies Pvt Ltd

....Applicant

....Respondent

SECTION

U/s 9 IBC Code 2016

Order delivered on 24.08.2020

CORAM:

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

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

PRESENT:

For the Applicant : Mr. Abhishek Anand for RP
For the Respondent :

ORDER

IA-2766/C- V/ND/2020:-

The present application has been filed on behalf of RP under Section 60(5) of the IBC 2016 for seeking exclusion of certain time period for the purpose of calculation of CIRP as prescribed under Section 12 of the Code.

We have heard the Ld. Counsel for petitioner as well as Ld. RP appearing in person.

Ld. Counsel for the petitioner submitted that the order of admission was passed on 03.03.2020 and the same was communicated to the RP on 05.03.2020, so, RP prayed for exclusion of 2 days on this ground and he further submitted that due to COVID-19 pandemic, there was lockdown in the country imposed by the Central Government as well as State



Government and on this ground RP prayed for exclusion of 92 days commencing from 25th March, 2020 to 24th June 2020. He further submitted that Hon'ble NCLAT in Suo Moto Company Appeal (AT) Insolvency No. 01 of 2020 held that **excluding the period for the purpose of counting of Resolution Process under Section 12 of the IBC i.e. the period of lockdown ordered by the Central Government and the State Governments including the period as may be extended either in whole or part of the country where the registered office of the Corporate Debtor may be located.**

We further noticed that the lockdown period imposed by the Central Government or State Government comes to an end on 31.05.2020. Therefore, in view of order passed by the Hon'ble NCLAT in Suo Moto Company Appeal (AT) Insolvency No. 01 of 2020 in stead of excluding the period of 2 days i.e. 03.03.2020 and excluding the period of 92 days i.e 25th March 2020 to 24th June 2020, we think it proper to exclude the period during which the lockdown was imposed by the Central Government as well as State Government i.e. from 25th March 2020 to 31st May 2020, accordingly, we hereby modify the prayer of the application and exclude the period from 25th March 2020 to 31st May 2020, total period of 68 days while calculating the period of CIRP.

With this order, the present IA-2766/2020 stands disposed of.

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(K.K. VOHRA)
MEMBER (T)

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(ABNI RANJAN KUMAR SINHA)
MEMBER (J)