

**NATIONAL COMPANY LAW TRIBUNAL  
JAIPUR BENCH**  
*(through web-based video conferencing platform)*

Item No. 105  
CP No. (IB)- 108/9/JPR/2019  
Under Section 9 of IBC, 2016

**In the matter of:**

**Saudi Basic Industries Corporation**

**... Operational Creditor**

**Versus**

**Prayag Polytech Pvt. Ltd.**

**... Corporate Debtor**

**Coram: HON'BLE MR. DEEP CHANDRA JOSHI, JUDICIAL MEMBER  
HON'BLE MR. RAJEEV MEHROTRA, TECHNICAL MEMBER**

**Present Through Video Conferencing: -**

For the Applicant : Jaideep Singh, Adv.  
For the Respondent : Virendra Ganda, Sr. Adv.  
Vipul Ganda, Adv.  
Amodini Raina, Adv.  
Ayandeb Mitra, Adv.

**ORDER**

1. Heard Mr. Jaideep Singh, Adv. appearing on behalf of the Petitioner. Mr. Virendra Ganda, Sr. Adv. appearing on behalf of the Respondent. An affidavit has been filed on behalf of Mrs. Mansi Kochhar, Authorized Representative of the Applicant Company. It is stated in the affidavit that the Operational Creditor and the Corporate Debtor aimed to resolve all claims through a consolidated settlement agreement. In line with this, the Corporate Debtor filed application M.A. No. 705 of 2024 with the Hon'ble Supreme Court of India, requesting an additional 45 days to settle remaining claims. However, urgent listing of the application has not been granted by the Hon'ble Supreme Court.

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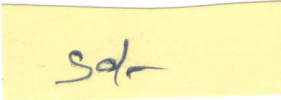
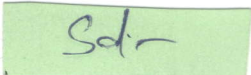
2. In the meantime, to avoid non-compliance of the Hon'ble Supreme Court's order dated March 04, 2024, the Corporate Debtor has deposited an amount of Rs. 1,06,32,890/- vide demand draft bearing No. 265219 and Rs. 84,21,249/- vide demand draft bearing No. 265217 with this Hon'ble Tribunal. At the moment, the parties have no consensus towards a consolidated settlement and the Operational Creditor intends to address each claim individually. Hence, it is humbly prayed before this Adjudicating Authority to transfer the amount of Rs. 1,06,32,890/- and Rs. 84,21,249/- totalling to Rs. 1,90,54,139/- to the Operational Creditor's designated bank account.
3. The Hon'ble NCLAT *vide* Order dated 13.12.2023 while dismissing the appeal directed this Adjudicating Authority that after being satisfied that entire outstanding payment of dues have been made by the Appellant (Corporate Debtor) within 30 days, it may not proceed any further with the CIRP of the Corporate Debtor and close Section 9 application. Since, Operational Creditor is a foreign company and has requested USD payment in their account in Riyadh. RBI guidelines are to be followed for foreign remittance.
4. A brief background of the matter necessary for issuance of the remittance directions is provided hereunder:-
  - 4.1. An Application bearing *CP No. (IB) 108/9/JPR/2019* was filed by the *M/s Saudi Basic Industries Corporation (SABIC)*, Riyadh

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(‘Applicant’ / ‘Operational Creditor’ / ‘SABIC’) under Section 9 of the Insolvency and Bankruptcy Code 2016 (‘Code’/ ‘IBC’) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016 seeking initiation of Corporate Insolvency Resolution Process (‘CIRP’) against *M/s Prayag Polytech Pvt. Ltd.* (‘Corporate Debtor’). The said Application was admitted by this Adjudicating Authority *vide* its Order dated 22.02.2023 wherein the CIRP of the Corporate Debtor was initiated.

- 4.2. The Corporate Debtor assailed the Order of this Adjudicating Authority dated 22.02.2023 before the Appellate Authority by filing an Appeal bearing *Company Appeal (AT) (Insolvency) No. 231 of 2023*. It was submitted before the Hon’ble NCLAT that the Corporate Debtor is in good financial condition and has sufficient turnover to make the entire payment of outstanding dues of the Operational Creditor. The Appellate Authority *vide* its Order dated 13.12.2023 dismissed the Appeal with the direction that the Corporate Debtor shall pay the entire outstanding amount of USD 127,340/- (USD One Lakh Twenty Seven Thousand Three Hundred and Forty Only) along with interest @12% per annum, till the date of payment, to the Operational Creditor within 30 days, failing which this Adjudicating Authority shall proceed further with the CIRP.

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- 4.3. The Corporate Debtor preferred an Appeal bearing *Civil Appeal No. 44 of 2024* against the Hon'ble NCLAT Order dated 13.12.2023 before the Hon'ble Supreme Court. The Apex Court *vide* its Order dated 04.03.2024 dismissed the Appeal and extended the timeline for depositing the outstanding amount until 08.04.2024. Subsequently, the Corporate Debtor filed an Application bearing *M.A. No. 705 of 2024* seeking an extension of 45 days to settle the remaining claims. It is relevant to mention that the said Application seeking extension of time has not been listed till date before the Hon'ble Apex Court.
5. The Corporate Debtor *vide* its letter dated 08.04.2024 addressed to the Registrar, NCLT, Jaipur Bench, wherein it deposited two Demand Drafts with the NCLT, Jaipur, in compliance of the Supreme Court Order dated 04.03.2024. Further, an Affidavit *vide* Diary No. 1053/2024 dated 26.04.2024 has been filed by the Corporate Debtor apprising this Adjudicating Authority of the subsequent developments. In the said Affidavit, it was stated that the Corporate Debtor and the Operational Creditor along with its group companies are presently at an advanced stage of negotiation to finalise the terms of settlement.
6. The details of the Demand Drafts submitted by the Corporate Debtor with this Adjudicating Authority are provided hereunder:-

Sd/-

Sd/-

Date	DD No.	Amount	Payee
06.04.2024	265219	1,06,32,890/-	Pay & Accounts officer, Ministry of Corporate Affairs, New Delhi
06.04.2024	265217	84,21,249/-	Pay & Accounts officer, Ministry of Corporate Affairs, New Delhi
<b>Total</b>		1,90,54,139/-	

7. The Operational Creditor has filed an Affidavit *vide* Diary No. 1219/2024 dated 13.05.2024 wherein it is prayed that:-

*“To pass orders for the remittance of a sum totalling Rs. 1,90,54,139 (Rupees One Crore Ninety Lakh Fifty Four Thousand One Hundred and Thirty Nine Only) and any other accrued interest on the same, till date, into the Operational Creditor’s bank account mentioned above and pass any other consequential orders in the interest of justice”*

8. It was submitted by the Operational Creditor that the parties have failed to reach at any consolidated settlement, and the Operational Creditor intends to address each claim individually. Thus, they are seeking remittance of Rs. 1,90,54,139/- (Rupees One Crore Ninety Lakh Fifty Four Thousand One Hundred and Thirty Nine Only) that have already been submitted before this Adjudicating Authority by the Corporate Debtor to avoid non-compliance of the Hon’ble Apex Court’s Order dated 04.03.2024.
9. The details of the Operational Creditor’s designated bank account as mentioned in the Affidavit are reproduced hereunder:-

CUSTOMER NAME	SABIC BASIC INDUSTRIES CORPORATION “SABIC”
C.R. NUMBER	1010010813

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<i>ACCOUNT NUMBER</i>	<i>65900000481010</i>
<i>IBAN NUMBER</i>	<i>SA8010000065900000481010</i>
<i>CURRENCY</i>	<i>USD</i>
<i>BANK NAME</i>	<i>THE SAUDI NATIONAL BANK</i>
<i>BANK ADDRESS</i>	<i>KING ABDULLAH FINANCIAL DISTRICT RIYADH 13511, KSA</i>
<i>COUNTRY NAME</i>	<i>SAUDI ARBIA</i>
<i>SWIFT CODE</i>	<i>NCBKSAJE</i>

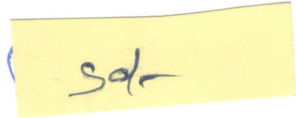
10. In view of the Affidavit filed by the Operational Creditor and the facts narrated above, we issue the following directions to the Parties:-

- 10.1. The Corporate Debtor shall obtain the approval of an Authorized Dealer for remittance of US Dollars equivalent to Rs. 1,90,54,139/- (Rupees One Crore Ninety Lakh Fifty Four Thousand One Hundred and Thirty Nine Only) inclusive of interest @12% P.A. (simple interest) to the designated account of *M/s Saudi Basic Industries Corporation* as provided in Para 9 of the instant order.
- 10.2. After approval of the Authorized Dealer for USD remittance to *M/s Saudi Basic Industries Corporation*, the Corporate Debtor will be at liberty to have the DDs returned from the Adjudicating Authority. Further, the two DDs on return should only be utilized for effecting the above remittance in favour of the Operational Creditor.
- 10.3. The Corporate Debtor shall bear the bank charges on remittance and the effects of changes in Foreign Exchange Rates, if any, at the time of remittance.

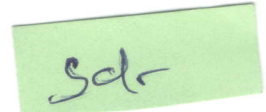
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- 10.4. The Corporate Debtor shall complete the remittance within fourteen days of passing of this Order. Further, the Corporate Debtor shall file a compliance report before this Adjudicating Authority within twenty one days of the passing of the instant Order.
- 10.5. The Operational Creditor shall cooperate with the Corporate Debtor and shall furnish the details, as may be required, for obtaining approval of remittance from the Authorized Dealer.
- 10.6. In the event the Corporate Debtor does not remit the entire amount as directed to *M/s Saudi Basic Industries Corporation* within 14 days of passing of this Order, this Adjudicating Authority will proceed further with the Section 9 Application.



(Rajeev Mehrotra)  
Technical Member



(Deep Chandra Joshi)  
Judicial Member

May 14, 2024