

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

Item No. 102
IA No. 310/JPR/2024
CP No. (IB)- 108/9/JPR/2019
Under Section 9 of IBC, 2016

In the matter of:

Saudi Basic Industries Corporation ... Operational Creditor/Applicant

Versus

Prayag Polytech Pvt. Ltd. ... Corporate Debtor/Respondent

**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 Corporate Debtor : Virendra Ganda, Sr. Adv.
Vipul Ganda, Adv.
Ayandeb Mitra, Adv.
Avnika Mishra, Adv.

ORDER

IA No. 310/JPR/2024

Heard Mr. Virendra Ganda, Sr. Adv. appearing on behalf of the Applicant. Mr. Jaideep Singh, Adv. appearing on behalf of the Respondent (Petitioner in the main CP). Vide order dated 14.05.2024, the CD was directed to obtain the permission from the Authorized Dealer/ RBI within 14 days for foreign exchange remittance. On the request of learned counsel for the applicant, vide order dated 07.06.2024, 30 days time was given to the CD for completing the process of remittances. It was also directed that the CD shall file a compliance report before this A.A within 45 days.

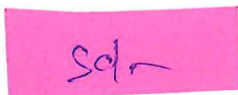
An affidavit has been filed vide Diary No. 1760/2024 dated 22.07.2024 stating that in compliance of the order dated 07.06.2024, the CD had made sincere efforts through its authorized dealer bank to obtain the approval from the RBI.

The Authorized Dealer Bank, namely, India Bank has vide its e-mail dated 29.06.2024 requested the RBI to grant permission for the remittance in favour of the Operational Creditor. It is also stated that the RBI is yet to respond to the e-mail from the Authorized Dealer Bank dated 29.06.2024.

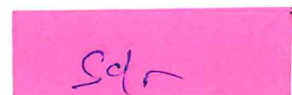
The Hon'ble NCLAT vide order dated 13.12.2023 while dismissing the appeal, directed this A.A. that after being satisfied that entire outstanding payment of dues have been made by the Appellant/ Corporate Debtor within 30 days. It may not proceed any further with the CIRP of the CD and close Section 9 application. Since Operational Creditor is a foreign company and has requested USD payment in their account in Riyadh, the RBI guidelines were to be followed for remittances. This A.A. cannot wait for the approval of the RBI for uncertain period, more pursuance is required from the CD's behalf for RBI approval.

During the pending remittance approval before the RBI, no further proceedings could take place in the pending matters against the Corporate Debtor before this A.A. Registry has reported that the validity of bank drafts submitted by the CD have been lapsed on 06.07.2024. CD is directed to collect the bank drafts from the registry and get them renewed/ prepare new bank drafts and submit before the Registry within 2 weeks. List the IA on 28.08.2024.

List the matter on 28.08.2024.



(Rajeev Mehrotra)
Technical Member



(Deep Chandra Joshi)
Judicial Member

July 23, 2024