

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

203. APPEAL/14/2022 C.P. (IB)/3749(MB)2018

IN THE MATTER OF

Khanna Delta Steel Pvt Ltd

... Petitioner

Vs

Shiv Manufacturing Pipes Pvt Ltd

... Respondent

U/s 9 of the Insolvency and Bankruptcy Code, 2016

Order Delivered on 12.07.2024

CORAM:

MS. REETA KOHLI
MEMBER (J)

MS. MADHU SINHA
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:

For the EPFO: Adv. Malini Rai (PH)

For the Liquidator: Adv. Aditya Mishra (PH)

ORDER

APPEAL/14/2022:- The IA has been preferred by the Employees Provident Fund Organization for a direction to the Liquidator to accept the claim in respect of entire PF claim along with interests and damages, in terms of Section 36 (4) (III) of IBC out of the liquidation stage. The claim of the Applicant is to the extent of Rs. 26,56,814/-. The Ld. Counsel for the Applicant submitted that the CIRP of CD was initiated vide order dated 25.10.2019. Though Form-A was stated to have been published by the IRP on 22.11.2019 wherein the last date for submission of claim was stated to be 03.12.2019. No such intimation was received by the Applicant from the IRP and thus, the Applicant failed to file any claim pursuant to the public notice. On 23.02.2021, a letter was received from IRP to file the claim before the liquidation order was passed and the liquidator invited the

claims. The Liquidation commenced on 24.11.2021. The last date for submitting the claims was stated to be 21.02.2022. The case of the Appellant is that the claim was filed by them before the liquidator on 17.03.2022 and the liquidator rejected the claim of the appellant on 17.03.2022 itself. The prayer of the appellant is for condonation of delay and also for a direction to the liquidator admitting the claim of the appellant.

Adv. Aditya Mishra appears on behalf of the liquidator and very fairly submits that he does not wish to oppose the delay of 24 days in filing the claims. Thus, in view of the same, the delay is condoned. He wishes to oppose the same with respect to interests and damages part. The Ld. Counsel further submitted that knowing the claim of the EPFO, the liquidator had already kept the contingency of Rs. 26,00,000/- to what the found of appellant though the liquidator shall be in position to take care of only. The principle amount claimed by the appellant and not the interests and damages part. He prayed for a short adjournment so as to make an attempting to work out the issue. In view of the request made, adjourned to **16.07.2024**.

Sd/-
MADHU SINHA
Member (Technical)

Sd/-
REETA KOHLI
Member (Judicial)

// Avdhesh K Patel //