

NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, MUMBAI BENCH

214. IA/1177/2024 IN C.P. (IB)/4464(MB)2018

**IN THE MATTER OF**

Tapan Engineers and Farbication

VS

Omkar Gratings Private Limited

Section 9 of the Insolvency & Bankruptcy Code, 2016

**Order Delivered on 29.04.2024**

CORAM:

MS. REETA KOHLI  
MEMBER (J)

MS. MADHU SINHA  
MEMBER (T)

**Appearance through VC/Physical/Hybrid Mode:**

For the Applicant: Adv. Rahul Sarda (PH)  
For the Indian Bank: Adv. Rohan Agarwal (PH)

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**ORDER**

**I.A. 1177/2024**

The prayer in the I.A. is for exclusion of 647 days from computing the period of CIRP on account of complete non-cooperation and the deadlock between the erstwhile RP and COC. The Ld. Counsel for the Applicant has submitted the details of exclusions sought as under:

<b>Sr. No.</b>	<b>Dates</b>	<b>Days</b>	<b>Remark/Submissions</b>
1.	12.12.2019-14.03.2020	94	94 days out of 180 days of CIRP expire

2.	15.03.2020-28.02.2022	715	Period stands excluded on account of the Supreme Court judgment generally excluding time on account of COVID-19 pandemic.
3.	01.03.2022-25.05.2022	86	<p>180 Days expire.</p> <p>However, the erstwhile RP was not able conduct CIRP on account of a deadlock between him and the COC. The deadlock is evidenced by the minutes of the 12<sup>th</sup> COC meeting Ex <a href="#">E/68@pg.79</a></p>
4.	26.05.2022-05.03.2024	647	<p>The deadlock between the erstwhile RP and the COC continued till 04.12.2023 on which date, this Hon'ble Tribunal permitted replacement of the erstwhile RP with the present RP (<b>Ex F/91</b>)</p> <p>Despite the replacement of the RP, since technically the CIRP period had expired, the present RP could not take any steps, especially since the liquidation application filed by the erstwhile RP was pending.</p> <p>In the 17<sup>th</sup> COC meeting <b>Ex G/92 @ pg. 94</b>, the COC evinced interest in re-running the CIRP period, and hence, the present application is filed.</p>

In view of the submissions made by the Ld. Counsel for the Applicant and in view of the fact that the 95% of the voting share is that of Indian Bank and there is a complete deadlock and now the new RP has taken over. Therefore, we deem it appropriate to allow the present I.A. and grant exclusion of the time which is sought in the application. In view of the same, I.A. is disposed of.

Sd/-  
MADHU SINHA  
Member (Technical)  
Shubham

Sd/-  
REETA KOHLI  
Member (Judicial)