

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

COURT – IV

20. IA-1530(MB)2024, IA-5190(MB)2023,
IA-63(MB)2024, IA-4517(MB)2023
IN C.P. (IB)/386(MB)2021

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **30.04.2024**

NAME OF THE PARTIES:

Icici Bank Ltd

Vs.

Vinergy International Pvt Ltd

SECTION: 7, 12(2), 60(5) OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016.

ORDER

1. Mr. Abhishek Anand a/w Mr. Abhishek Sinha, Ld. Counsel for the RP present through VC. Adv. Amit Singh a/w Adv Aditya Ghatge, Ld. Counsel for the Respondent-HDFC BANK present through VC in IA-4517/2023.

IA-63(MB)2024

2. This is an application filed by the Applicant/RP u/s. 60(5) r/w Sec.12 of the IBC, 2016 r/w Regulation 40 of the IBBI Regulations 2016 and Rule 11 of NCLT, 2016 seeking following reliefs:

- a. *allow the present application;*
- b. *Issue appropriate directions for exclusion of period from 10.08.2023 to 20.11.2023 i.e., from the date of filing of liquidation application being IA-3579/2023 before this Hon'ble Adjudicating Authority till the disposal of the withdrawal application being IA-5186/2023, for the purpose of calculation of the Corporate Insolvency Resolution Process period of M/s Vinergy International Pvt. Ltd.;*

c. *Pass such other order(s) as this Hon'ble Adjudicating Authority may deem fit.*

3. Ld. Counsel for the Applicant submits that the Hon'ble NCLAT Chennai Bench passed order in *Company Appeal (AT) (CH) (INS) No.450/2023* dated 29.04.2024, there is direction to the Adjudicating Authority to dispose of the exclusion and extension IAs before filing the Resolution Plan by the RP. Today we taken up the exclusion IA i.e. IA-63(MB)2024 the exclusion sought from 10.08.2023 to 20.11.2023 on the ground of that the liquidation application is pending before this Bench. Hence, the exclusion is granted, and 103 days is excluded. Then the CIRP period is commencing from 21.11.2023. In view of above, IA-63(MB)2024 is **disposed of.**

IA-5190(MB)2023

4. This is an application filed by the Applicant/RP seeking extension of 90 days from 21.11.2023 to 20.03.2024. The 90 days extension is granted after completing the 180 days. In view of the above, IA-5190(MB)2023 is allowed and **disposed of.**

IA-1530(MB)2024

5. This is an application filed by the Applicant/RP seeking extension of 60 days from 21.02.2024 to 20.04.2024. Taking into consideration of the revival from the liquidation to resolution plan and for filing the fresh Form-G by the RP, the 60 days extension also granted from 21.02.2024. In view of the above IA-1530(MB)2024 is allowed and **disposed of.**

IA-4517(MB)2023

6. The Respondent No.1 has already been filed reply.
7. Registry is directed to issue Court Notice to the Respondent No.2 clearly intimating the next date of hearing and place the notice along with track

report on record before the next date of hearing. The Respondent No.2 is directed to file reply within two weeks of receipt of Notice and serve copy on the other side three days in advance before the next hearing.

8. List this matter for further consideration on **07.06.2024**.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)