

NATIONAL COMPANY LAW TRIBUNAL

COURT ROOM NO. 1,

MUMBAI BENCH

Item No. 14

IA 3402/2024 IN C.P. (IB)/998(MB)2023

CORAM:

**SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF THE HEARING ON 04.07.2024

**NAME OF THE PARTIES: SMALL INDUSTRIES DEVELOPMENT
BANK OF INDIA
VS
GREEN INDIA BUILDING SYSTEMS &
SERVICES PRIVATE LIMITED**

Sec.7 and 60(5) of Insolvency and Bankruptcy Code, 2016.

ORDER

IA 3402/2024

1. Though the Ld. Counsel for the applicant is present but not marked their appearance on VC or Attendance Sheet.
2. Though the Ld. Counsel for the applicant is present but has not marked their appearance in chat box or Attendance Sheet.
3. This bench, comprising of Hon'ble Justice V. J. Bhisht (Retd.) Member (Judicial) and Prabhat Kumar, Member (Tech.) had pronounced the order on 05.01.2024 admitting the Corporate Debtor, however this matter was heard by the Bench having constitution of Sri. Kuldeep Kumar Kareer Hon'ble member (Judicial) and Shri. Prabhat Kumar Hon'ble member

(Technical) and reserved it for order on 14.12.2023. However, due to inadvertence the order was pronounced on 05.01.2024 by the bench constituted of Hon'ble Justice V. J. Bhisht (Retd.) Member (Judicial) and Prabhat Kumar, Member (Tech.). After this mistake was discovered, the order dated 05.01.2024 was recalled on 16.01.2024 and the bench consisting of Shri. Kuldeep Kumar Kareer Judicial Member and Shri. Prabhat Kumar Technical Member pronounced this order on 24.01.2024 admitting the CD into CIRP. This application has been filed for making declaration that the CIRP be deemed to have commenced from 05.01.2024 in view of the fact that the IRP had started the process of public announcement and taken over the control pursuant to order dated 05.01.2024.

4. This bench is of the considered view that the order dated 05.01.2024 was non-est having been pronounced by a Bench with combination of Members other than the combination who had actually heard the matter. Accordingly, the prayer of applicant cannot be considered, so as to include the period from 05.01.2024 to 23.01.2024 as deemed to be part of CRP process. Since the order dated 05.01.2024 is non-est, the IRP is directed to carry out the process pursuant to order dated 24.01.2024.
5. Accordingly, the **IA 3402/2024 is allowed and disposed of.**

Sd/-
PRABHAT KUMAR
MEMBER (TECHNICAL)

Sd/-
JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)

Prajakta