

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

113. I.A. 2999/2023

I.A. 3906/2023

IN C.P.(IB)-4160(MB)/2018

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **03.05.2024**

NAME OF THE PARTIES: 5-Elements

V/s.

Kimaya Fashions Pvt Ltd.

Appearance

For IRP: Adv. Aditya Mishra in I.A. 2999/2023, I.A. 3906/2023.

SECTION 9 OF THE IBC, 2016

ORDER

Hearing Through: Virtually and Physical (Hybrid) Mode

I.A. 3906/2023

This application has been filed by RP to place on record updated list of Creditors as on 31.07.2023. It is submitted that Assistant Commissioner of Commercial Taxes (Audit), Koramangala, Bengaluru has been included in the list of Creditors as their claim of Rs. 1,81,58,167/- has been admitted. Updated list of creditors is taken on record. I.A.3906/2023 is **allowed** and **disposed of**.

I.A. 2999/2023

This application has been filed by RP against original petitioner (R-1) and sole CoC member i.e. Kotak Mahindra Bank (R-2) seeking the CIRP costs. It is

submitted that the original petitioner has deposited merely Rs. 1,00,000/- towards CIRP cost despite directions by Adjudicating Authority while admitting the CD into CIRP to deposit Rs. 5,00,000/-. The CoC has not ratified CIRP expense.

Service on R-2 is completed. Reply on behalf of R-2, if any, be filed within three weeks from today failing which matter would be heard *ex-parte*.

Applicant is directed to communicate this order to R-2 forthwith and file service Affidavit. List on **08.07.2024**.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)

Sd/-
LAKSHMI GURUNG
Member (Judicial)

//NSW//