

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU
(Through Physical Hearing / VC Mode (Hybrid))

ITEM No.22
IA No. 388/2021, 178, 316,472/2022
IA No.28,311,797/2023 & 06, 422, 462 & 463/2024 in
C.P. (IB) No.189/BB/2018

IN THE MATTER OF:

M/s.Moonbeam Advisory Private Limited ... Petitioner
Vs.
M/s.Sammrudhi Reality Limited ... Respondent

Order under Section 9 of IBC, 2016

Order delivered on:25.06.2024

CORAM:

SHRI K. BISWAL
HON'BLE MEMBER (JUDICIAL)

SHRI MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For I.A No. 388/21 & 316/22: Shri Santhosh Kumar
For IA No.178 & 472/2022: Ms.Nayana Tara, Ms. Vidya Pai
Shri Sharath M
For I.A No.462 & 463/2024: Ms. Tejashwini R
For Liquidator : Mr. Karan Kohli

ORDER

I.A No. 388/2021 & 316/2016

1. Heard the Learned Counsel for the Applicant and Respondent.
2. The Counsel for the Applicant requested for short adjournment. At the request, list the case on **06.08.2024**.

I.A No.462 & 463/2024

1. Heard the Ld. Counsel for the Applicant.
2. Issue notice to the Respondent/Liquidator. Registry is directed to prepare notice and Counsel for the Applicant is permitted to collect the notice from the Registry and serve it on the Respondent along with a copy of the application and other material documents through email as well as by speed post and to file an affidavit of service along with tracking report in the Registry well before the next date of hearing.

3. A period of two weeks for filing reply from the date of receipt of copy of the notice and one week for filing rejoinder, if any, thereto from the date of receipt of copy of reply is granted. List the case on **06.08.2024**.

I.A. No.422 of 2024

1. This application is filed by the Liquidator/Applicant under Rule 154 of the National Company Law Tribunal 2016 seeking to rectify the order dated 04.12.2023 in I.A No.799 of 2023 and allow the period of exclusion w.e.f. 18.09.2020 upto 25.05.2023 totalling to 980 days i.e., the date of filing of I.A No.399 of 2020 till orders were passed in I.A No.399.2020 together with I.A No.25/2021 as the Applicant was not able to take steps as per Regulation 32 of the Liquidation Regulations to sell and realise the assets of the Corporate Debtor in order to enable the Applicant to successfully complete the liquidation process of the Corporate Debtor.
2. Heard the Ld. Counsel for the Applicant.
3. The Ld. Counsel for the Applicant stated that I.A No.799 of 2023 was listed before this Adjudicating Authority on 04.12.2023 in which the Applicant has sought exclusion for 980 days, however, inadvertently it was recorded in the order dated 04.12.2023 that the liquidator placing the 14th Progress report. Hence the application.
4. On verifying the I.A No.799 of 2023, it is noticed that the prayer sought by the Applicant in the I.A is to take on record the 14th Progress report and not for any exclusion of CIRP period. Accordingly, the Adjudicating Authority has passed the order allowing the prayer as sought by the Applicant in I.A No.799 of 2023. Therefore, the present application bearing, **I.A No.422 of 2024 is dismissed as infructuous.**

List all other **IAs and C.P on 06.08.2024.**

Sd/-
(MANOJ KUMAR DUBEY)
MEMBER (TECHNICAL)

Sd/-
(K. BISWAL)
MEMBER (JUDICIAL)