

IN THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH (COURT – II)
(Through Hybrid Mode)

Item No. 131

IA(I.B.C)/579(CH)2024
IA(I.B.C)/1361(CH)2023
IA(I.B.C)/2145(CH)2023
IA(I.B.C)/2438(CH)2023
IA(I.B.C)/298(CH)2024

In
CP (IB) No. 20/Chd/Hry/2020
(Admitted)

IN THE MATTER OF:

Overseas Infrastructure Alliance [India] ...Petitioner-Operational Creditor Ltd.

Versus

Mcraygor Mechanicals Pvt. Ltd. ... Respondent-Corporate Debtor

Under Section: 9, 66(1), 19(2), 60(5), 12(2), IBC 2016

Order delivered on 18.04.2024

CORAM:

**SHRI. UMESH KUMAR SHUKLA,
HON'BLE MEMBER (T)**

**SHRI. HARNAM SINGH THAKUR,
HON'BLE MEMBER (J)**

PRESENT:

**For the RP in IA No. : Mr. Balwinder Singh Kalsi, Advocate
579/2024, 1361/2023,
2438/2023, 298/2024.**

**For the Applicant : Mr. Munish Kumar Garg with Mr. Bharat
Gupta, Advocate in IA No. 2438/2023.
Mr. Devansh Khanna, Advocate in IA No.
2145/2023.**

**For the Respondent No.4 : Mr. G.S. Sarin, PCS
in IA No. 1361/2023**

ORDER

IA(I.B.C)/579(CH)2024

This is an application under Section 66(1) of IB Code. Ld. Counsel for the applicant-RP is directed to file an affidavit that the respondents are covered as per the in judgement passed by the Hon'ble Supreme Court in the case of '**Gluckrich Capital Private Limited**', which upheld the decision of the Hon'ble

Tripura High Court in the case of '**Smt. Sudipa Nath Vs. Union of India**'. Ld. Counsel for respondent is directed to file their reply within two weeks with a copy in advance to the counsel opposite. Rejoinder, thereto, if any be filed one week thereafter with a copy in advance to the counsel opposite.

List on 30.05.2024.

IA(I.B.C)/1361(CH)2023

The rejoinder to the reply of Respondent No. 3 has been filed by RP vide Diary No. 01859/5 dated 18.01.2024. The same is taken on record. The reply has been filed by the Respondent No. 4 vide Diary No. 01859/4 dated 25.10.2023. The same is taken on record. Rejoinder to the reply of respondent No.4, if any, be filed within two weeks with a copy in advance to the counsel opposite. None appears on behalf of the respondent Nos.1 and 2 and no reply has been filed by both the respondents, therefore, the right to reply of respondent Nos.1 and 2 has been struck off.

List the matter on 30.05.2024 for arguments.

IA(I.B.C)/2145(CH)2023

The counter affidavit has been filed vide Diary No. 02685/1 dated 19.02.2024. The same is taken on record. Rejoinder to the short reply be filed by learned counsel for the applicant at least one week before the next date of hearing with a copy in advance to the counsel opposite. List on 30.05.2024.

IA(I.B.C)/2438(CH)2023

The present application has been filed by the applicant for putting his claim as financial creditor but the Form-F at Page 43 of the Section 9 petition, which is appended with the application, is meant for the creditors other than financial creditors and operational creditors. Further, it is seen that the applicant had obtained a decree from a Civil Court to the amount of

Rs.37,47,462/- as on 08.02.2023. But it is seen that the applicant has also filed the execution petition before the Civil Court, Bahadurgarh and it is still pending and the order annexed as Page Nos.24, 25, 26 and 27. In the circumstances, the learned counsel for the applicant is directed to file a note on the maintainability of claim as financial creditor within one week with a copy in advance to the counsel opposite.

List on 30.05.2024.

IA(I.B.C)/298(CH)2024

The learned counsel for the RP has stated that he is permitted to withdraw the present petition with liberty to file another application as the corporate debtor is liquidated as the settlement proposal submitted to the bank has not been finalized. So, keeping in view the statement made by him, **IA No. 298/2024 is dismissed as withdrawn with a liberty to aforesaid.**

Sd/-
(UMESH KUMAR SHUKLA)
HON'BLE MEMBER (T)

Sd/-
(HARNAM SINGH THAKUR)
HON'BLE MEMBER (J)