NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT-II)

IA. NO. 4735/ND/2022
IN
Company Petition No. (IB)-127(ND)/2022

IN THE MATTER OF:

SBM Bank (India) Limited

...Applicant/Financial Creditor

Versus

Feedback Energy Distribution Company Limited

...Respondent

AND IN THE MATTER OF IA. NO. 4735/ND/2022:

SBM Bank (India) Limited
Through Mr. Mohit Goyal
Authorized Representative of
SBM Bank (India) Limited
Registered office at:
101, Raheja Centre, 1st Floor,
Free Press Journal Marg,
Nariman Point, Mumbai – 400021

Branch Office at:
SBM Bank (India) Limited
Shop No. 4, DLF Capitol Point
Baba Kharak Singh Road,
Connaught Place, Delhi - 110001

...Applicant

VERSUS

Feedback Energy Distribution Company Limited
311, 3rd Floor, Vardhaman Plaza,
Pocket – 7, Plot No. 6, Sector 12,
Dwarka, New Delhi – 110078

...Respondent

Order Delivered on: 23.11.2022

SECTION: **Section 60(5) of IBC 2016**

CORAM:

SH. BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (J)
SH. L. N. GUPTA, HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Adv. Shilpa Thakur.
For the Respondent : Sr. Adv. P. Nagesh, and Adv. Karan Valecha.

ORDER

PER SHRI L. N. GUPTA, MEMBER (T)

The present IA No. 4735 of 2022 has been filed by SBM Bank (India) Limited through Mr. Mohit Goyal through its Authorized Representative of SBM Bank (India) Limited (hereinafter referred to as the '**Applicant/Financial Creditor**') under Section 60(5) of IBC, 2016, read with Rule 11 of NCLT Rules, 2016 seeking the following reliefs:

"i) Allow the present application and take on record the following documents:

a) Copies of the Statement of Accounts for the period 25.03.2022 to 24.03.2021 along with certificate under Bankers Books Evidence Act;

b) Copies of the complete Statement of Accounts along with certificate under Bankers Books Evidence Act.

c) Vesting Order dated 26.05.2020 passed by Orissa Electricity Regulatory Commission;

d) Joint lenders meetings dated 16.09.2020, 07.10.2020, 06.09.2021 and 15.09.2021 held by the lenders;

e) Resolution passed by the Board of Directors of the Financial Creditors on 20.09.2019 read with Article 112 of the Articles of Association of the Financial Creditor.

ii) Such other and further orders as may be deemed fit and proper in the facts and circumstances of the case in favour of the Financial Creditor and against the Corporate Debtor be also passed."

2. Thus, through the present IA the Applicant has sought permission to place certain additional documents on record.

3. The Applicant has relied on the Judgment of the Hon'ble Supreme Court passed in the matter of **Asset Reconstruction Company (India) Limited vs. Tulip Star Hotels Limited & Ors. dated 01.08.2022**, wherein the following is held:

"61. It is, therefore, imperative that the provisions of the IBC and the Rules and Regulations framed there under be construed liberally, in a purposive manner to further the objects of enactment of the statute.

62. On a careful reading of the provisions of the IBC and in particular the provisions of Section 7(2) to (5) of the IBC read with the 2016 Adjudicating Authority Rules, there is no bar to the filing of documents at any time until a final order either admitting or dismissing the application has been passed."

4. On perusal of the record, we notice that vide order dated 16.11.2022, this Bench has given liberty to the Respondent to file additional reply on merits. Hence, we are of the view that no prejudice shall be caused to the Respondent, if the Applicant is allowed to place the additional documents on record.

5. In the light of the Judgment of the Hon'ble Supreme Court passed in the matter **of Asset Reconstruction Company (India) Limited vs. Tulip Star Hotels Limited & Ors.** and the aforesaid facts and circumstances, we take the additional documents filed by the Applicant vide IA-4735 of 2022 on record.

6. **The IA. No. 4735-ND/2022 is accordingly allowed.**

-Sd-

(L. N. GUPTA)
MEMBER (T)

-Sd-

(BACHU VENKAT BALARAM DAS)
MEMBER (J)