

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

Item No. 309
(IB)-330/ND/2021
IA-2457/2024, New IA-2462/2024,
New IA-2617/2024, New IA-2774/2024

IN THE MATTER OF:

Bibhuti Bhushan Biswas & Ors

... Applicant/Petitioner

Versus

**M/s Ansal Properties and Infrastructure
Limited**

... Respondent

Under Section: 7 of IBC, 2016

Order delivered on 28.05.2024

CORAM:

**SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)**

**SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)**

PRESENT:

For the Applicant :

For the Respondent :

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-2457/2024: The prayer made in the application is for condonation of delay in considering the claim of the Applicant submitted belatedly. As can be seen from the provisions of Regulation 13(1C) of IBBI (Insolvency Resolution Process of Corporate Person) Regulation 2016, it is for the RP to file an application before this Adjudicating Authority for condonation of delay qua the acceptable claim. The Regulation 13(1C) reads thus:-

“Regulation 13(1C) The interim resolution professional or resolution professional, as the case may be, shall:-

(a) intimate the creditor within seven days of categorisation thereof under sub-regulation (1B) and provide reasons where such claim has been categorised as non-acceptable for collation; and

(b) put up the claims categorised as acceptable under sub-regulation (1B) and collated by him to:-

- (i) *the committee in its next meeting for its recommendation for inclusion in the list of creditors and its treatment in the resolution plan, if any; and*
 - (ii) *submit such claims before the Adjudicating Authority for condonation of delay and adjudication wherever applicable.]*
- (2) *The list of creditors shall be –*
 - (a) *available for inspection by the persons who submitted proofs of claim;*
 - (b) *available for inspection by members, partners, directors and guarantors of the corporate debtor 52[or their authorised representatives];*
 - (c) *displayed on the website, if any, of the corporate debtor;*
 - [(ca) filed on the electronic platform of the Board for dissemination on its website:*

Provided that this clause shall apply to every corporate insolvency resolution process ongoing and commencing on or after the date of commencement of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fifth Amendment) Regulations, 2020;]
 - (d) *filed with the Adjudicating Authority; and*
 - (e) *presented at the first meeting of the committee.”*

Nevertheless, Mr. Ankit Sharma, Ld. Counsel for the RP fairly submitted that the RP would do the needful in the matter. In view of the statement made by Mr. Ankit Sharma, **the application is disposed of.** We are sanguine that the RP would either collate the claim of the Applicant and move appropriate application or shall provide reasons to the Applicant for not collating the claim. **The application stands disposed of.**

IA-2462/2024: The prayer made in the application is for condonation of delay in considering the claim of the Applicant submitted belatedly. As can be seen from the provisions of Regulation 13(1C) of IBBI (Insolvency Resolution Process of Corporate Person) Regulation 2016, it is for the RP to file an application before this Adjudicating Authority for condonation of delay qua the acceptable place. The Regulation 13(1C) reads thus:-

“Regulation 13(1C) *The interim resolution professional or resolution professional, as the case may be, shall:-*

(a) intimate the creditor within seven days of categorisation thereof under sub-regulation (1B) and provide reasons where such claim has been categorised as non-acceptable for collation; and

(b) put up the claims categorised as acceptable under sub-regulation (1B) and collated by him to:-

(i) the committee in its next meeting for its recommendation for inclusion in the list of creditors and its treatment in the resolution plan, if any; and

(ii) submit such claims before the Adjudicating Authority for condonation of delay and adjudication wherever applicable.]

(2) The list of creditors shall be –

(a) available for inspection by the persons who submitted proofs of claim;

(b) available for inspection by members, partners, directors and guarantors of the corporate debtor 52[or their authorised representatives];

(c) displayed on the website, if any, of the corporate debtor;

[(ca) filed on the electronic platform of the Board for dissemination on its website:

Provided that this clause shall apply to every corporate insolvency resolution process ongoing and commencing on or after the date of commencement of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Fifth Amendment) Regulations, 2020;]

(d) filed with the Adjudicating Authority; and

(e) presented at the first meeting of the committee.”

Nevertheless, Mr. Ankit Sharma, Ld. Counsel for the RP fairly submitted that the RP would do the needful in the matter. In view of the statement made by Mr. Ankit Sharma, **the application is disposed of.** We are sanguine that the RP would either collate the claim of the Applicant and move appropriate application or shall provide reasons to the Applicant for not collating the claim. **The application stands disposed of.**

IA-2617/2024: For the reasons stated therein, **the IA is allowed** and the report regarding re-constitution of CoC is kept on record, subject to all just exceptions.

IA-2774/2024: Mr. Ankit Sharma, Ld. Counsel appearing for the RP submitted that the CIRP is at culminating stage and the resolution plan received by the RP are to be put forth. In view of the averments made in the IA and the submissions put forth by the Ld. Counsel appearing for the RP, **the IA is allowed** and the period of CIRP is extended by 30 days from 16.05.2024.

Sd/-

**(SUBRATA KUMAR DASH)
MEMBER (T)**

Sd/-

**(ASHOK KUMAR BHARDWAJ)
MEMBER (J)**