

DIVISION BENCH  
COURT - II

**O-204**

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. (IB)/440(KB)2018  
IA(I.B.C)/259(KB)2022, IA(I.B.C)/891(KB)2021,  
IA(I.B.C)/369(KB)2022, IA(I.B.C)/307(KB)2022,  
IA(I.B.C)/808(KB)2021, IA(I.B.C)/1296(KB)2020,  
IA(I.B.C)/391(KB)2020, IA(I.B.C)/1030(KB)2021,  
IA(I.B.C)/852(KB)2020, IA(I.B.C)/1064(KB)2021,  
IA(I.B.C)/495(KB)2021, IA(I.B.C)/511(KB)2021

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR  
2. HON'BLE MEMBER(T), SHRI HARISH CHANDER SURI**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 17<sup>TH</sup> MAY, 2022, 10:30 A.M**

IN THE MATTER OF	HUVEPHARMA SEA [ PUNE] PRIVATE LIMITED VS AMRIT FEEDS LIMITED
UNDER SECTION	IBC UNDER SEC 9

**Counsel / Authorised Representative appeared physically/through video conference:**

For Liquidator : Ms. Sreenita Ghosh Thaker, Adv.  
Mr. Krishnaraj Thaker, Adv.

For applicant in IA/259/2022 : Mr. Snehashis Sen, Adv.

For RP in IA/1030/2021 & IA/259/2022 : Mr. Siddhanth Makkar, Adv.

For applicant in IA/1064/2021 : Mr. Jitendra Patnaik, Adv.

For applicant in IA/891/2021 : Mr. Shaunak Mitra, Adv.  
Mr. Tanuj Kakrkania, Adv.

For applicant in IA/495/2021 : Mr. Joy Saha, Sr. Adv.  
For R-4 in IA/511/2021 : Mr. Avishek Guha, Adv.  
Mr. Chitresh Saraogi, Adv.

For applicant in IA/1030/2021 : Mr. Saswat Acharya, Adv.  
Mr. Udit Agarwal, Adv.

For applicant in IA/307/2022 : Mr. Jishnu Saha, Sr. Adv.  
Mr. Aritra Basu, Adv.

		Mr. Rajib Ghosh, Adv.
For PNB in IA/808/2021	:	Ms. Urmila Chakraborty, Adv. Mr. Debasish Chakrabarti, Adv.
For R-4 in IA/852/2020	:	Mr. Abhrajit Mitra, Sr. Adv. Mr. Satadeep Bhattacharyya, Adv. Mr. Satyaki Chaudhuri, Adv. Mr. Shubham Raj, Adv.
For applicant in IA/369/2022	:	Mr. Abhrajit Mitra, Sr. Adv. Ms. Manju Bhuteria, Adv. Ms. Rajshree Kajaria, Adv.
For suspended members of BoD of CD	:	Mr. Ratnanko Banerji, Sr. Adv. Mr. D. N. Sharma, Adv. Mr. Nirmalya Dasgupta, Adv. Mr. Shweetank Nigam, Adv.
For HDFC Bank Limited	:	Ms. Kiran Sharma, Adv.

#### **ORDER**

1. Ld. Senior Counsel / Ld. Counsel for the parties present.
2. IA(IBC)/259(KB)2022
  - (a) This application has been filed by the applicant, Ms. Piu Sen, seeking recalling of the order passed on 17/12/2021 because according to the applicant, her claim is as regards her salary during the period of CIRP because her services has been requisitioned by the RP during the CIRP period, but she has not been paid.
  - (b) Ld. Counsel for the RP submits that claim of the applicant was placed before the CoC and the CoC has not ratified the same as the CIRP costs. It is not understood when the RP has requisitioned the service of the applicant during the CIRP period, why the applicant's payment has not been released and on what ground?
  - (c) We, therefore, direct the CoC to explain why the claim of the applicant, when her services were requisitioned during the CIRP period, has not been included in the CIRP costs. It has been stated that her claim with regard to the services rendered by her during the CIRP period has been taken together with her pre-CIRP claim. Applicant should not be asked to wait till the final disposal of the payment to creditors and the payment with regard to her services during CIRP period should be made on regular basis as the Corporate Debtor is a going concern. Let the claim of the applicant with regard to the CIRP period be reconsidered by the CoC and paid to the applicant immediately till she had rendered her services, i.e., 18/02/2021.

- (d) RP shall inform to the CoC for compliance of this order.
  - (e) With the above directions, IA shall stand disposed of.
3. IA(IBC)1064(KB)2021
- (a) This application has been filed by the applicant, Dinesh Kumar Sanjiv Kumar, one of the Operational Creditors of the Corporate Debtor, seeking directions to the Liquidator to consider their claim, which was not considered by the Liquidator due to 143 days delay in submissions of their claim.
  - (b) We have gone through the averments made in the application and submissions made by the Ld. Counsel for the applicant. We, therefore, condone the 143 days' delay in submission of the claim of the applicant with the Liquidator. The Liquidator is hereby directed to consider the claim of the applicant uninfluenced by the fact that the delay has been condoned.
  - (c) IA shall stand disposed of.
4. Rest of the IAs will be taken up on 08/06/2022.

**Harish Chander Suri**  
**Member (Technical)**

**Rohit Kapoor**  
**Member (Judicial)**

hb.