

## NATIONAL COMPANY LAW TRIBUNAL

राष्ट्रीयकंपनीविधिअधिकरण

CUTTACK BENCH

कटकखंडपीठ

ORDER OF THE HEARING ON 30<sup>th</sup> April, 2024, 10:30 A.M.

CP (IB) No. 31/CB/2022, IA (IB) No. 111/CB/2024

Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj

2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh

Name of the Company	Kalinga Enterprises Pvt. Ltd. -Vs- Maa Manasha Devi Alloys Pvt. Ltd.
Under Section	9 IBC

**Hearing through: VC and Physical (Hybrid) Mode**

For Petitioner (s) Mr. Saradindu Jena, CS

For Respondent (s)

**ORDER****IA (IB) No. 111/CB/2024**

Ld. Authorized Representative CS, Saradindu Jena appeared for the Applicant. This is an application filed by the applicant, who is the respondent/corporate debtor in the main petition CP (IB) No. 31/CB/2022, with the prayer directing the registry to initiate action to refund the amount of Rs.1,16,25,583/- deposited by the applicant in this matter. On perusal of case record reveals that initially this adjudicating authority passed set ex-parte order admitting the applicant into CIRP vide order dated 31.10.2022. Subsequently, the said ex-parte order was set aside by NCLAT in CA No. 209 of 2023 by order dated 19.10.2023.

Then the matter was heard and dismissed the CP No. 31/CB/2022 on merit on 06.03.2024. When the matter was pending before the NCLAT, the Hon'ble NCLAT by an order dated 22.02.2023 directed the applicant to deposit the amount of Rs.1,16,25,583/-. The Hon'ble NCLAT in the order dated 19.10.2023 directed the applicant to deposit the amount before this Adjudicating Authority and shall abide by the order of this Adjudicating

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Authority. The applicant in pursuance the NCLAT order deposited the demand draft dated 16.01.2024 for Rs.1,16,25,583/- drawn in favour of pay and Account Officer, Ministry of Corporate Affairs, in turn the registry submitted the D.P. to drawee. The main CP No. 33/CB/2022 was dismissed by this Adjudicating Authority on 06.03.2024. Since, the main petition itself has been dispose of, there is no impediment to accept the request of the applicant for refund of amount. In the result, this application is Allowed.

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**Kaushalendra Kumar Singh**  
Member (Technical)

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**P. Mohan Raj**  
Member (Judicial)