

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

Item No.215 – IA 52 of 2022
Item No.216 – IA 54 of 2022
Item No.217 – IA 266 of 2022
In
CP(IB) 397 of 2018

Proceedings under Section 7 IBC

IN THE MATTER OF:

M/s Abhinandan Multitrade Pvt Ltd & Anr
V/s
M/s KSL & Industries

.....Applicant

.....Respondent

Order delivered on 06/12/2022

Coram:

Dr. Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant : Ms. Rathina Maravarman, Adv. a/w. Mr. Karan Sanghani, Adv.: Mr. Vatsal Trivedi, Adv.
Mr. Navin Pahwa, Sr. Adv.
For the RP : Mr. Kiran Shah, PCA, Mr. Arjun Sheth, Adv.
For the Respondent : Mr. Jainish Shah, Adv. for ICICI
Mr. Siddhartha Patra, Adv. for R-10,13,20,22,23,30, & 37
Mr. Prateek Gupta, Adv. for R-17,18,24,28,34 & 38
Mr. Lokesh Malik, Adv. for R-3,8,11,12,25,26,27,29,32,35,36
Mr. Parth Shah, Adv. for R-4,5,7,14,16 & 39

ORDER

IA 52 of 2022

Learned Counsel Ms. Shah for the Income Tax Department accepts notice and undertakes to file response within two weeks. Learned Counsel for the Income Tax Department is also directed to take instructions as to whether they will de-freeze the various accounts of the Corporate Debtor, in view of their claim being filed and admitted by the RP. If before next date of hearing, department does not give any undertaking of de-freezing the account, appropriate order will be passed. Let affidavit to that effect from department may also be filed.

List on 13.01.2023

IA 54 of 2022

Written submissions of both sides are filed. Let copy be served to other side.

List on 13.01.2023

IA 266 of 2022

Application is filed by BEST Undertaking as the claimant whose claim was not considered by the IRP at the time of filing of this application, hence, prayer sought was that the Resolution Professional be directed to consider the claim and communicate the findings to the applicant. During pendency of this application, claim was again re-lodged with the present Resolution Professional (Since the IRP before whom, claim was originally filed was replaced) and the present Resolution Professional has rejected the claim on 24.02.2022 on the ground of delay. The bench has sought explanation vide order dated 09.09.2022 to which Learned Sr. Counsel Mr. Pahwa for the applicant states that they have filed an affidavit giving break-up of the claim amount alongwith judgments relied upon. Copy is served to the Learned Counsel for the Resolution Professional.

Since the applicant is claiming that they are claiming government dues, and needs to be considered in view of the decision of the Hon'ble Supreme Court in the case of Rainbow Papers Ltd. even if filed belatedly. We condone the delay, if any, in filing the claim before RP and RP is directed to consider the claim filed before him after considering the affidavit filed by the applicant and decide the fate of the claim and communicate the same within two weeks'.

List for further consideration on 13.01.2023

-Sd-

**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

-Sd-

**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**