

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**DIVISION BENCH**  
**COURT - 1**

ITEM No 205- IA/64(AHM) 2022  
ITEM No 206- IA/870(AHM) 2022  
ITEM No 207- IA/274(AHM) 2023  
ITEM No 208- IA/303(AHM) 2023  
ITEM No 209- IA/966(AHM) 2023  
In  
**CP(IB) 759 of 2019**

**Proceedings under Section 9 IBC**

**IN THE MATTER OF:**

Zielem Industries Pvt Ltd  
V/s  
Sintex-BAPL Ltd

.....Applicant

.....Respondent

**Order delivered on: 25/09/2023**

**Coram:**

Mr. Shammi Khan, Hon'ble Member(J)  
Mr. Sameer Kakar, Hon'ble Member(T)

**PRESENT:**

For the Applicant : Mr. Jeet Bhatt, Adv. & Mr. Pratik Thakkar, Adv.  
: Mr. Vivek Singh, Adv.  
For the Respondent : Mr. Raheel Patel, Adv. a/w. Mr. Jinansh Shah, Adv.

**ORDER**

**IA/64(AHM) 2022**

Learned Counsel for the Respondent seeks time to file an additional affidavit in support of the averments made in reply along with the relevant documents being proof of the amount paid against the invoices of the expenses incurred during the CIRP period not for the invoices of the expenses prior to the initiation of the CIRP period. Learned Counsel for the applicant is directed to place on record the same, with advance to the other side within seven days thereafter.

Learned Counsel for the applicant may also file rebuttal affidavit, if so desire before the next of hearing.

Re-list on 01.11.2023.

### **IA/870(AHM) 2022 & IA/274(AHM) 2023**

Learned Counsel for the Applicant Mr. Jeet Bhatt submitted that in terms of the observation made by the Tribunal in order dated 18.07.2023, a suitable amendment application has been moved, which is lying in the Registry for scrutiny. Hence, Learned Counsel for the applicant seeks adjournment for the same which is allowed.

Re-list on 01.11.2023.

### **IA/303(AHM) 2023**

This application has been filed by the applicant herein on 06.03.2023 seeking following prayers :-

- a) Be please to allow the present Application;*
- b) That this Hon'ble Adjudicating Authority may be please to condone the delay of 705 days for filing the claim of the applicant as operational creditor of the Corporate Debtor;*
- c) That this Hon'ble Adjudicating Authority may be please appropriate orders directing the respondent to accept the claim of the applicant as operational creditor of the Corporate Debtor;*
- d) Be pleased to pass any other order or direction as this Hon'ble Tribunal may deem fit in the interest of justice in accordance with law.*

It is stated that the claim was filed in the matter before the RP on 21.02.2023, and RP has rejected the claim vide e-mail on 24.02.2023. The said mail has attached at page no. 32 of the application stated to be in the e-mail of the RP as delay in filing the claim and CoC has already approved the Plan on 28.01.2023. The reply has been filed by the respondent in the matter in diary No. 1105 of 2023. It is stated that reply that the Plan in respect of the Corporate Debtor has been approved in IA No. 187 of 2023 on 17.03.2023 by this Adjudicating Authority.

We rely on the order of Hon'ble NCLAT in Company Appeal (AT) (Insolvency) No. 1340 of 2020 order at 14.09.2023 Deputy Commissioner, UTGST, Daman Versus

Rajeev Dhingra IRP of Radha Madhav Corporation Ltd., which squarely covers the present matter.

In our view, nothing survives in this matter as the claim has been filed belatedly.

Accordingly, this application stands dismissed.

**IA/966(AHM) 2023**

Learned Counsel for the applicant is appearing through virtual mode, but his video is not available due to some technical glitch.

Re-list on 01.11.2023.

-sd-

**SAMEER KAKAR  
MEMBER (TECHNICAL)**

-sd-

**SHAMMI KHAN  
MEMBER (JUDICIAL)**