

NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 13

IA 1236/2024

In

C.P. (IB)/474(MB)2022

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **21.03.2024**

NAME OF THE PARTIES: **SES ENERGY SERVICES INDIA**
PRIVATELIMITED

Section 60(5) OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

1. Ld. Counsel for the Applicant Petitioner present.
2. The present Application is being filed under Section 60 (5) of the Insolvency and Bankruptcy Code, 2016 ("IBC") read with Rule 154 of National Company Law Tribunal Rules, 2016 ("NCLT Rules") seeking rectification/ clarification of the order dated 29 August 2023 and 1 December 2023, passed by this Tribunal.
3. On perusal of the order dated 18.05.2023 passed in IA 2032 of 2023, we note that this Tribunal had granted extension of 90 days from 25.05.2023. Accordingly, the CIRP was to close on 23.08.2023. However, this Bench determined the expiry of CIRP period upon grant of 60 days extension with reference to 15.08.2023. However, the 60 days period shall expire on 22.10.2023 in case earlier expiry is taken correctly as 23.08.2023.

Accordingly, we passed the following order modifying the order dated 29.08.2023:

- i. In para 3 of the order dated 29.08.2023 the words “15.08.2023” shall be substituted by the words “23.08.2023”.
- ii. In para 6 of the order dated 29.08.2023 the words “14.10.20223” shall be substituted by the words “22.10.2023”.

Rest of the order remains unaltered.

4. On perusal of order dated 01.12.2023, we find that instead of prospective resolution applicant, the words Resolution Plan were stated in para 2 under IA 5494/2023. Further, some error occurred in Para 3 of the order. We find the contention of the Applicant correct to some extent. Accordingly, we pass the following order:

- i. In Para 2 under IA 5494/2023 in place of words “Resolution Plan” the words “prospective resolution applicant” shall be substituted.
- ii. In Para 3 under IA 5494/2023, the words 14th October, 2023 shall be replaced by the words “22nd October, 2023”. In the second sentence of Para 3, the words “60 days” shall be replaced by the words “three months” Further, in the third sentence of Para 3, the words “CoC is seized of the resolution plan” shall be replaced by the words “the prospective resolution applicant shall be presenting the Resolution Plan”.
- iii. Rest of the order dated 01.12.2023 remain unaltered.

5. In view of above, the **IA1236/2024 is allowed and disposed of.**

Sd/-

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

**JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)**