

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH**

**COURT – IV**

34. **IA-2024/2023 in C.P.(IB)/3423(MB)2019**

CORAM:

SHRI PRABHAT KUMAR  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **18.05.2023**

NAME OF THE PARTIES: Ganpati Energy Private Limited  
Vs  
Kharwali Steel Private Limited

SECTION: 9 OF INSOLVENCY AND BANKRUPTCY CODE, 2016. Rule 11 of NCLT, 2016

**ORDER**

The Court is convened through Video Conference.

1. Mr. Mahesh Sureka, Ld. Counsel for the Application present.
2. In this case the Corporate Debtor was admitted into CIRP in CP(IB)-3093/MB/2019 vide order dated 13.12.2022 passed by this Bench. However, this Bench in another Petition bearing No.: CP(IB)-3423/MB/2019 filed by M/s. Ganapathy Energy Pvt. Ltd., passed another order dated 31.03.2023 admitting the Corporate Debtor again into CIRP. Since the CIRP process has already commenced on 13.12.2022, an another order thereafter for admission of the Corporate Debtor into CIRP cannot be passed under the Insolvency & Bankruptcy Code, 2016.
3. This Bench feels that the order dated 31.03.2023 in CP(IB)-3423/MB/2019 is nonest. Accordingly, the order dated 31.03.2023 has modified to disposing of CP(IB)-3423/MB/2019 as 'dismissed as infructuous' with liberty to the

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Operational Creditor to file appropriate claim before the Resolution Professional of the Corporate Debtor under CIRP in CP(IB)-3093/MB/2019.

4. With the above directions, IA-2024/2023 is allowed and disposed of. C.P.(IB)/3423(MB)2019 is **dismissed** as infructuous.

Sd/-  
**PRABHAT KUMAR**  
Member (Technical)

Sd/-  
**KISHORE VEMULAPALLI**  
Member (Judicial)