

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU**
[Through Physical hearing/VC Mode (Hybrid)]

ITEM No.08
I.A.Nos.41, 169/2021, 201, 337, 485, 656,
657, 670/2023, 136, 138, 280/2024 in
C.P.(IB)No.389/BB/2019

IN THE MATTER OF:

M/s. Skylark Ithaca Buyers Welfare Association ... Petitioner
Vs.
M/s. Skylark Mansions Pvt. Ltd. ... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016

Order delivered on: 05.04.2024

CORAM:

SH. K. BISWAL
HON'BLE MEMBER (JUDICIAL)

SH. MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

The RP : Shri K. Dushyantha Kumar
For the RP : Shri Atul Madhavan
For the Petitioner : Shri Srinivas N.C
For I.A.169/2021 : Ms. Sarah Abraham, Adv. for Applicant
For I.A.138/2024 : Shri Theerthesh B.S, Adv. for Applicant
For I.A.41/2021 : Shri Dharmendra Chatur, Ms. Ishi Prakash,
Ms. Ayushi Goyal, Adv. for Respondent Nos.4 & 5
Ms. Amrita Jain, Adv. for Respondent Nos.1 to 3

ORDER

I.A.No.41/2021:

1. Heard the Ld. Counsels appearing for the Applicant and the Respondent.
2. Pleadings are completed.
3. Ld. Counsel for the RP is directed to file a brief note in not more than two to three pages in total, within a period of two weeks from today.
4. List the case on **11.06.2024**.

I.A.No.169/2021:

1. Heard the Ld. Counsels for the parties.
2. In compliance to Order dated 26.02.2024, Ld. Counsel for the RP was directed to file response to the Memo filed by the Applicant vide Diary No.118 dated 05.01.2024, along with details of what materials have been given to the Applicant. However, the same was not filed till date. Therefore, one more

:2:

opportunity is granted to the Applicant to file his response to the memo, within a period of two weeks from today.

3. List the case with other IAs on **11.06.2024**.

I.A.No.136/2024:

1. This Application has been filed by the Resolution Professional of Corporate Debtor, U/s.12 of the IBC, 2016 R/w. Rule 11 of the NCLT Rules, 2016, seeking to exclude the period of 98 days i.e. from 28.11.2023 to 04.03.2024 on account of the pendency of the Appeal before the Hon'ble NCLAT.
2. Heard the Ld. Counsel appearing for the RP.
3. In circumstances and for the reasons stated in the Application, the instant IA is hereby allowed by granting exclusion of a period of 98 days i.e. from 28.11.2023 to 04.03.2024 on account of the pendency of the Appeal before the Hon'ble NCLAT.
4. Accordingly, **I.A.No.136/2024 stands disposed of.**

I.A.No.138/2024:

1. This Application has been filed by Shri Anil Madan (Applicant), U/s.60 (5) of the IBC, 2016 r/w. Rule 11 of the NCLT Rules, 2016 seeking to condone the delay of 1140 days i.e. from 23.12.2020 to 05.02.2024 in filing the claim before the Respondent-RP.
2. Heard the Ld. Counsels appearing for the Applicant and the RP.
3. In the circumstances and for the reasons mentioned in the Application, and since the Respondent-RP has stated that he has no objections for considering the claim and as the CIRP of the Corporate Debtor is still in process, the instant I.A. is allowed as under:
 - a. The delay in preferring the claim by the Applicant is hereby condoned;
 - b. The RP is directed to consider the claim of the Applicant in accordance with the Code and the Regulations made thereunder and to pass an appropriate Order within one week from the date of receipt of this Order and communicate the same to the Applicant forthwith thereafter;
 - c. The Applicant shall cooperate with the RP and shall furnish whatever documents required, if any, to be furnished to the RP.
4. Accordingly, **I.A.No.138/2024 stands disposed of.**

:3:

I.A.No.280/2024:

1. This Application has been filed by Mr. Devina Rastogi (Applicant), under Rule 11 of the NCLT Rules, 2016 seeking to condone the delay of 1127 days i.e. from 23.12.2020 to 23.01.2024 in filing the claim before the Respondent-RP.
2. Heard the Ld. Counsels appearing for the Applicant and the RP.
3. In the circumstances and for the reasons mentioned in the Application, and since the Respondent-RP has stated that he has no objections for considering the claim and as the CIRP of the Corporate Debtor is still in process, the instant I.A. is allowed as under:
 - a. The delay in preferring the claim by the Applicant is hereby condoned;
 - b. The RP is directed to consider the claim of the Applicant in accordance with the Code and the Regulations made thereunder and to pass an appropriate Order within one week from the date of receipt of this Order and communicate the same to the Applicant forthwith thereafter;
 - c. The Applicant shall cooperate with the RP and shall furnish whatever documents required, if any, to be furnished to the RP.
4. Accordingly, **I.A.No.280/2024 stands disposed of.**

-Sd-

**MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)**

-Sd-

**K. BISWAL
MEMBER (JUDICIAL)**

Shruthi