

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

ITEM No.29
I.A.Nos.424, 456, 873/2023, 164 & 165/2024 in
C.P. (IB)No.112/BB/2019

IN THE MATTER OF:

M/s. State Bank of India ... Petitioner
Vs.
M/s. Bharath Infra Import and Export Ltd. ... Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016

Order delivered on: 24.04.2024

CORAM:

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

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

PRESENT:

For RP/Applicant
In IAs.424, 873/2023, 164 & 165/2024 &
For Respondent in IA.456/2023 : Shri Ravindra Beleyur
For the RP : Shri Ullasa, B.C., PCS
For the Suspended Board of Directors : Shri A. Murali with
Shri Atul Madhavan

ORDER

I.A.No.424/2023:

1. Heard the Ld. Counsel appearing for the Applicant and the Respondents.
2. Ld. Counsel appearing for the Respondent No.1 has filed objections vide Diary No.930 dated 09.02.2024. Further, Ld. Counsel for the Respondent No.2 has filed a memo vide Diary No.931 dated 09.02.2024, stating that they want to adopt objections filed by the Respondent No.1.
3. Ld. Counsel appearing for the Applicant requests time to file rejoinder. Therefore, one week's time is granted to the Applicant to file rejoinder, and a copy of the same may be served on the other side.

4. List the case on **01.07.2024**.

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I.A.No.456/2023:

1. Heard the Ld. Counsel appearing for the Respondent Nos.1 & 2. None appeared for the Applicant.
2. Ld. Counsel for the Applicant requests time to file rejoinder. Therefore, two weeks' time is granted to the Applicant to file rejoinder, and a copy of the same may be served on the other side.
3. List the case on **01.07.2024**.

I.A.No.873/2023:

1. Heard the Ld. Counsel appearing for the Applicant. None appeared for the Respondent.
2. It is noticed that even though notice has been served on the Respondent, no one has appeared on their behalf, and no reply has been filed. Therefore, as a final opportunity, two weeks' time is granted to the Respondent to file objections, failing which, their right to file the same shall stand forfeited and the Application will be decided based on the available record.
3. List the case on **01.07.2024**.

I.A.No.164/2024:

1. This Application has been filed by Applicant-RP, Under Rule 11 R/w. Rule 32 of the NCLT Rules, 2016, seeking to condone the delay of 102 days in filing the Application U/s.66 of IBC, 2016 from 05.06.2023 to 14.09.2023.
2. Heard the Ld. Counsel appearing for the Applicant.
3. The Hon'ble NCLAT, New Delhi in the decision of Jagdish Kumar Parulkar RP Vs. Vinod Agarwal Ex-Director, vide Order dated 16.02.2023 in Company Appeal (AT) (Insolvency) No. 483 of 2022, in view of the facts stated therein, has held that Regulation 35A of the CIRP Regulations, 2016 is not mandatory and requirement for approaching the Adjudicating Authority for appropriate relief on or before 135th day of the Insolvency Commencement Date (ICD) is only directory, and allowed the Appeal by setting aside the Order passed by the NCLT, Cuttack Bench in T.P.No.198/CTB/2019 arising out of C.P(IB)No.4686/CTB/2019.

4. In the circumstances and for the reasons mentioned in the Application, the instant Application is hereby allowed by condoning the delay of 102 days in filing the Application U/s.66 of IBC, 2016 from 05.06.2023 to 14.09.2023.

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5. Accordingly, **I.A.No.164/2024 stands disposed of.**

I.A.No.165/2024:

1. Heard the Ld. Counsels appearing for the Applicant and the Respondents.
2. Ld. Counsel accepts notice for the Respondent and seeks time for filing objections. A period of two weeks' time is granted to the Respondent for filing objections from today, and one week thereafter is granted to the Applicant for filing rejoinder, if any, after duly serving the copy on the other side.
3. List the case on **01.07.2024.**

**-Sd-
MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)**

**-Sd-
K. BISWAL
MEMBER (JUDICIAL)**

Shruthi