

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

ITEM No.10
I.A. Nos.370, 414, 554, 566,
792/2023, 188, 245, 254,
260, 261 & 298/2024 in
C.P.(IB) No.41/BB/2020

IN THE MATTER OF:

M/s. Mos Logi Technologies Pvt. Ltd. ... Petitioner
Vs.
M/s. Black Peeper Technologies Pvt. Ltd. ... Respondent

Order under Section 9 of Insolvency & Bankruptcy Code, 2016

Order delivered on: 15.04.2024

CORAM:

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

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

PRESENT:

Interim Resolution Professional	:	Shri Addanki Haresh
For R-4 in IA 370/2023	:	Proxy Counsel
For R-1 to R-3 in IA 370/2023	:	Shri Shashank N.
For R-1 in IA 414/2023	:	Shri Akshay J. S. & Shri Abhay
For the Applicant in IA 254/2024	:	Shri B.V. Vidyulatha
For the Parties	:	Shri Shashank N.

ORDER

I.A. No.370/2023

1. Heard the Ld. Counsels for the parties.
2. On 28.02.2024 the following order was passed:

...5. Pursuant to order dated 16.01.2024, the Respondent No.4 was directed to file objections within five days, subject to the payment of cost of Rs.5,000/- . However, Ld. Counsel for the Respondent No.4 has not complied with the same. Therefore, one more opportunity is granted to the Respondent No.4 to comply with the Order dated 16.01.2024 within two weeks' from today, failing which their right to file the same shall stand forfeited and the application will be decided based on the available record."

3. In spite of the above order, the Respondent No.4 has neither paid the cost nor filed the reply till date. In the circumstances, the right to file reply by R-4 is closed. The Ld. Counsel for the R-1 to R-3 submitted that they have filed replies. But the same are not on record. Registry is directed to place it on record. The Ld. IRP submitted that there is no requirement to file rejoinder.
4. List the matter for hearing on **04.06.2024**.

I.A. No.414/2023

1. Heard the Ld. Counsels for the parties.
2. The Respondent Nos.1, 2 & 3 have filed their objections and the same are on record. The Respondent Nos.4, 5 & 6 are directed to file objections, if any, within a period of one week, after duly serving the copy on the other side. The Ld. IRP submits that there is no requirement to file rejoinder.
3. List the matter on **04.06.2024**.

I.A. No.188 of 2024

1. The present Application has been filed by the Interim Resolution Professional seeking to take on record the 11th Progress Report for the Period from 01.01.2024 to 31.01.2024.
2. Heard the Ld. Counsel for the Applicant/IRP.
3. In the circumstances, and for the reasons mentioned in the Application, the instant I.A. is hereby allowed by taking on record the 11th Progress Report for the Period from 01.01.2024 to 31.01.2024.
4. Accordingly, **I.A.No.188 of 2024 is disposed of**.

I.A. No.245 of 2024

1. The present Application has been filed by the Interim Resolution Professional seeking to take on record the 12th Progress Report for the Period from 01.02.2024 to 29.02.2024.
2. Heard the Ld. Counsel for the Applicant/IRP.
3. In the circumstances, and for the reasons mentioned in the Application, the instant I.A. is hereby allowed by taking on record the 12th Progress Report for the Period from 01.02.2024 to 29.02.2024.
4. Accordingly, **I.A.No.245 of 2024 is hereby disposed of**.

I.A. No.254/2024

1. This Application has been filed by the Regional PF Commissioner-II seeking to condone the delay in filing Form-B dated 21.11.2023 by the Applicant etc.
2. Heard the Ld. Counsel for the Applicant and the Ld. IRP/Respondent.
3. In the circumstances, and for the reasons mentioned in the application and since the CIRP process is still going on, the instant I.A. is allowed as under:
 - a. The delay in preferring the claim by the Applicant is condoned;
 - b. The Interim Resolution Professional is directed to consider the claim of the Applicant in accordance with the Code and 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;
4. Accordingly **I.A. No.254 of 2024 stands disposed of.**

I.A. No.260 of 2024

1. The present Application has been filed by the Interim Resolution Professional seeking to take on record the re-constituted Committee of Creditors.
2. Heard the Ld. Counsel for the Applicant/IRP.
3. In the circumstances, and for the reasons mentioned in the Application, the instant I.A. is hereby allowed by taking on record the re-constituted Committee of Creditors.
4. Accordingly, **I.A.No.260 of 2024 is hereby disposed of.**

I.A. No.261 of 2024

1. The present Application has been filed by the Interim Resolution Professional seeking to take on record the updated list of Creditors as on 06th March 2024.
2. Heard the Ld. Counsel for the Applicant/IRP.
3. In the circumstances, and for the reasons mentioned in the Application, the instant I.A. is hereby allowed by taking on record the updated list of Creditors as on 06th March 2024.
4. Accordingly, **I.A.No.261 of 2024 is hereby disposed of.**

I.A. No.298/2024

1. This Application has been filed by the IRP seeking to extend the time limit for completion of the insolvency resolution process of the Corporate Debtor by 170 days from 28th December, 2023 to 14th June, 2024.
2. Heard the learned Counsel for the Applicant/IRP.

3. It is stated that earlier I.A. No.58/2024 was filed seeking an extension for 30 days beyond 330 days period as the 330 days was completed on 27.12.2023 before which the Resolution Plan was received and rejected by the CoC on 21.12.2023. However, because of the Suspended Board of Directors proposing a Plan, thirty days' extension was requested from the date of receipt of the order for such extension, but there is no such provision for granting such an extension from the date of receipt of order for extension.
4. This Adjudicating Authority vide order dated 28.02.2024 in I.A. No.58/2024 has already clarified that the IRP may seek extension from the date of completion of CIRP only if there are circumstances and justifications for the same in accordance with the Hon'ble Apex Court judgment in the case of *Committee of Creditors of Essar Steel India Ltd. vs. Satish Kumar Gupta and Ors* and the Resolution Plan has been received and likely to be approved by the CoC soon. However, there is no such case in this matter and, therefore, the extension of 170 days cannot be granted beyond 330 days, which has already expired on 27.12.2023. Therefore, this IA is liable to be rejected. Ld. IRP is directed to take necessary steps in accordance with the Code and Regulations made thereunder, for further action to be taken in the matter.
5. **Accordingly, I.A. No.298/2024 is hereby dismissed.**

Sd/-
MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)

Sd/-
K. BISWAL
MEMBER (JUDICIAL)