

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU**

**ITEM No.06
I.A.No.338/2023 in
C.P.(IB)No.87/BB/2021**

IN THE MATTER OF:

Mr. Aravindan Devarajan & Ors. ... Petitioner
Vs.
M/s. Lalith Gangadhar Constructions Pvt. Ltd. ... Respondent

Order under Section 7 of IBC, 2016

Order delivered on 27.06.2023

CORAM:

**JUSTICE (RETD.) T. KRISHNAVALLI
HON'BLE MEMBER (JUDICIAL)**

**SHRI MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the RP : Shri Shreenivas Patil, Adv.

ORDER

I.A.No.338/2023:

1. This Application has been filed by Mr. Ratnakar Shetty, Resolution Professional of Corporate Debtor, U/s. 12(2) of IBC, 2016 R/w. Section 60 (5) of the IBC, 2016 R/w. Rule 11 of the NCLT Rules, 2016, seeking to extend the period of CIRP for 90 days i.e. from 22.05.2023 to 19.08.2023.
2. Heard Ld. Counsel appearing for the RP.
3. It is noticed that this Adjudicating Authority vide Order dated 27.04.2023 passed in I.A.No.224/2023 has extended the period of CIRP by 60 days i.e. up to 21.05.2023. Considering the exceptional circumstances stated by the Applicant on the account of the CoC in its 7th meeting held on 13.03.2023 had recommended certain changes to be made to the Resolution Plan and PRA was in the process of making compliance to the same, now the Applicant has come up for extension of time for further period of 90 days i.e. from 22.05.2023 to 19.08.2023.
4. However, in this case the CIRP period of 330 days had already expired. Therefore, considering the exceptional circumstances mentioned in the I.A., and also relying on the judgements of the Hon'ble Supreme Court in

:2:

the case of *Essar Steel India Limited through Authorized Signatory Vs. Satish Kumar Gupta & Ors. (2019) 07 SC*, wherein it is observed that “it is only in exceptional cases that time can be extended, the general rule being that 330 days is the outer limit within which resolution of the stressed assets of the Corporate Debtor must take place beyond which it is to be driven into liquidation”. Further, it is noticed that they have also filed List of Authorities vide Diary No.3255 dated 21.06.2023, mentioning that in the case of *Neel Metal Products Ltd. Vs. CA Nirav Tarkkas & Anr. in Comp. App. (AT) (Ins.)No.887 of 2022*, the Hon’ble NCLAT, New Delhi vide Order dated 28.07.2022, in which further period of 60 days has been granted beyond 330 days.

5. Accordingly **I.A.No.338/2023 is hereby disposed of** by extending the time period for completion of the CIRP of the Corporate Debtor by a further 60 days from 22.05.2023. Further, the Applicant-RP is directed to expedite the finalisation of the CIRP well before the period allowed today.

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

-Sd-
(T. KRISHNAVALLI)
MEMBER (JUDICIAL)

Shruthi