

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

ITEM No.08
I.A. Nos.247, 326 & 327/2024 in
C.P. (IB) No.92/BB/2023

IN THE MATTER OF:

National Skill Development Corporation ... Petitioner
Vs.
M/s. Ants Consulting and Services Pvt. Ltd. ... Respondent

Order under Section 7 of Insolvency and Bankruptcy Code, 2016

Order delivered on: 01.05.2024

CORAM:

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

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

PRESENT:

For the Resolution/ Applicant in
247, 326 & 327/2024 : Shri Theerthesh B.S. with Shri Varun

ORDER

I.A. No.247/2024

1. Heard the learned Counsel for the Applicant/RP.
2. This Application has been filed by the RP by *inter alia* seeking to the following reliefs:
 - a. Pass order allowing the Applicant to make payment of Salaries of Employees engaged by the Corporate Debtor in HPSES, Government of Himachal Pradesh for the month of December 2023 and
 - b. Pass order allowing the Applicant to make payment of dues of Professional engaged by Corporate Debtor for Samagra Shiksha Abhiyan (Secondary Education), Government of Madhya Pradesh from September 2023 till Insolvency Commencement date i.e., 10th January 2024.

3. The learned Counsel for the RP *inter alia* submitted that the main Petition filed by National Skill Development Corporation under Section 7 of the IBC, 2016 against Ants Consulting & Services Pvt. Ltd. was admitted by this Adjudicating Authority on 10.01.2024 and Mr. Prashant Jain appointed as IRP. Pursuant to the commencement of the CIRP, the Directors of the Corporate Debtor informed the Applicant/RP that Corporate Debtor has two major ongoing projects, one with HPSES, Government of Himachal Pradesh (hereinafter referred to as 'Himachal Pradesh School Project') and the other with Samagra Shiksha Abhiyan (Secondary Education), Government of Madhya Pradesh (hereinafter referred to as 'Madhya Pradesh School Project'). For the Himachal Pradesh School Project the Corporate Debtor has engaged 8 employees on the roll, and further for the Madhya Pradesh School Project the Corporate Debtor has engaged around 154 VTS as Professionals. Presently, the RP has made payment towards the salaries of employees in Himachal Pradesh School Project for the month of January 2024. However, the payment of salaries of employees engaged by the Corporate Debtor in Himachal Pradesh School Project for the month of December 2023 and the payment of Professionals engaged by the Corporate Debtor in Madhya Pradesh School Project from September 2023 till Insolvency Commencement dated i.e. 10th January 2024 are pending. The salary for the employees of Himachal Pradesh School Project for the month of December 2023 amounts to around Rs1,45,149/- and the Professional fee for the employees of the Madhya Pradesh School Project from September 2023 to December 2023 amounts to around Rs.1,08,21,928/-.
4. It is also submitted that as the CIRP has commenced and the Moratorium has been instituted under Section 14 of the Code, the R.P. does not have the power to make payments towards the dues preceding the Insolvency Commencement date. In view of the above, the CoC in its second meeting held on 26.02.2024 has decided to seek approval from this Adjudicating Authority for payment of dues to Employees and

Professionals for the aforesaid duration preceding the Insolvency Commencement date.

5. In the circumstances, and for the reasons mentioned by the Applicant, the instant Application is hereby allowed by permitting the Applicant to make payment of Salaries of employees engaged by the Corporate Debtor in HPSES, Government of Himachal Pradesh for the month of December 2023 and to make payment of dues of Professionals engaged by Corporate Debtor for Samagra Shiksha Abhiyan (Secondary Education), Government of Madhya Pradesh from September 2023 till Insolvency Commencement date i.e., 10th January 2024.
6. **Accordingly, I.A. No.247 of 2024** is hereby disposed of.

I.A. No.326/2024

1. Heard the Ld. Counsel for the Applicant/RP.
2. Issue Notice to the Respondents. Registry is directed to prepare the notice and the Ld. Counsel for the Applicant is permitted to collect the notice and serve it personally on the Respondents along with Application and other material papers through email as well as by speed post and is directed to file affidavit of service along with tracking report in the Registry, within two weeks.
3. A period of two weeks' time is granted to the Respondents for filing reply from the date of receipt of notice and 2 weeks' for filing rejoinder by the Petitioner, if any, thereto from the date of receipt of copy of reply.
4. List the matter on **24.06.2024**.

I.A. No.327/2024

1. Heard the Ld. Counsel for the Applicant/RP.
2. Issue Notice to the Respondents. Registry is directed to prepare the notice and the Ld. Counsel for the Applicant is permitted to collect the notice and serve it personally on the Respondents along with Application and other material papers through email as well as by speed post and is directed to file affidavit of service along with tracking report in the Registry, within two weeks.
3. A period of two weeks' time is granted to the Respondents for filing reply from the date of receipt of notice and 2 weeks' for filing rejoinder by the Petitioner, if any, thereto from the date of receipt of copy of reply.
4. List the matter on **24.06.2024**.

Sd/-

**MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)**

Sd/-

**K. BISWAL
MEMBER (JUDICIAL)**