

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

CP(IB)4461/MB/2018

CORAM: JUSTICE PRADEEP NARKARI DESHMUKH
MEMBER (J)
SHRI KAPAL KUMAR VOHRA
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 15.11.2021

NAME OF THE PARTIES: Sumal India

Vs

Onus Enterprises Pvt Ltd

Section 9 of the Insolvency and Bankruptcy Code, 2016.

ORDER

14. **CP(IB)4461/MB/2018**

The matter is taken up on VC.

Ld. Counsel for the Petitioner is present and stated that the Respondent (Onus Enterprises Pvt Ltd) has already been brought under Corporate Insolvency Resolution Process (CIRP) on 03.03.2020, vide CP(IB) 2684/2019, hence this Company Petition has become infructuous. He has prayed for withdrawal of this Company Petition. The prayer is allowed.

It has been stated by the Ld. Counsel for the Petitioner that the last date for filing the claim with the RP under CP 2684/2019 was 30.08.2020, however they came to know about the initiation of the CIRP in the case of Onus Enterprises Pvt Ltd. only recently and have prayed for giving direction that their claim be admitted by the RP under CP 2684/2019. Ld. Counsel for the Petitioner has further informed that CIRP process in 2684/2019 is still going on. The prayer is allowed. The RP under CP 2684/2019 may admit the claim on merits within 30 days from today.

The Company petition is dismissed as withdrawn with liberty to the Petitioner to file his claim before the Resolution Professional appointed in CP 2684/2019 and also liberty to file fresh petition in case CIRP is closed in CP 2684/2019.

Sd/-
KAPAL KUMAR VOHRA
Member (Technical)

Sd/-
JUSTICE PRADEEP NARHARI DESHMUKH
Member (Judicial)