

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOCHI BENCH**

**MA/95/KOB/2020  
IN  
TIBA/3/KOB/2019**

(Under Sections 33, 34(5) and 60(5) of the Insolvency and Bankruptcy Code)

Order delivered on 18<sup>th</sup> August, 2020

Coram:

**Hon'ble Shri Ashok Kumar Borah, Member (Judicial)**

**Applicant/Resolution Professional:**

Kumar Rajan,  
Resolution Professional of  
Hindustan Newsprint Limited, Unit No.104,  
First Floor, Sufiya Elite, #18, Cunningham Road,  
Near Sigma Mall, Bengaluru-560 052.

**In the matter of**

M/s RBL Bank Limited

.... Financial Creditor

Versus

M/s Hindustan Ne4wsprint Limited

.....Corporate Debtor

**Parties/Counsel present (through video conference)**

For the applicant : Shri Vinod PV, Advocate

**ORDER**

This MA has been filed by the Resolution Professional appointed in TIBA/3/KOB/2019 by this Tribunal vide its order dated 10.03.2020 in the matter of RBL Bank Limited (Financial Creditor) vs. Hindustan Newsprint Limited (Corporate Debtor) for the following reliefs:

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- (a) Pass an order extending the period of Corporate Insolvency Resolution Process for a further period of 90 days under Section 12(2) of the Insolvency and Bankruptcy Code, 2016;*
- (b) Pass an order excluding 101 days ie., from 22.3.2020 to 30.6.2020 already lost in the Corporate Insolvency Resolution Process from the CIRP period; and*
- (c) Pass such other order(s) that this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.*

2. The facts in brief are vide order dated 28.11.2019 in TIBA/3/KOB/2019, this Tribunal admitted the case and ordered Corporate Insolvency Resolution Process (CIRP) against the Hindustan Newsprint Limited and initially appointed Mr. Navaneet Vasudevan as the Interim Resolution Professional. When the Committee of Creditors passed a resolution and prayed before this Tribunal to replace the Interim Resolution Professional and appoint Shri Kumar Rajan as the Resolution Professional for the conduct of CIRP, this Tribunal vide order dated 10.3.2020 appointed Mr. Kumar Rajan as the Resolution Professional. It is stated that the initial statutory period of 180 days for completing CIRP has expired on 26<sup>th</sup> May, 2020. However, due to the lock down declared by the Government, the CIRP is continuing and that the Resolution Professional has invited expression of interest inviting Resolution Plan and that he has received expression of interest from six prospective resolution applicants. The last date fixed for submitting the resolution plan was on 27<sup>th</sup> July, 2020. The Committee of Creditors have resolved to seek permission of this Tribunal to extend the time line for completing the CIRP for further 90 days with 100% voting rights. It is also stated that in view of Regulation 40C of IBBI (Insolvency Resolution Process of Corporate Persons) Regulations, 2016, the period of 101 days lapsed on account of lock down imposed due to Covid 19 pandemic, that period should be excluded from the total period for CIRP ie., from 22.3.2020 to 30.6.2020.

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3. I have heard the learned counsel appearing on behalf of the Resolution Professional and have meticulously gone through the averments in the application, the annexures appended to the application including the minutes of the meeting of Committee of Creditors held on 6<sup>th</sup> July 2020 with the summary of record of e-voting. It is seen that as per Item No.B1, the CoC gave their assent to seek the permission of the adjudicating authority to extend the period of CIRP for another 90 days from the last date of CIR Process of the Corporate Debtor. Regulation 40C of IBBI (Insolvency Resolution Process of Corporate Persons) Regulations, 2016 ,states as under:

**“40C. Special provision relating to time line,.**

Notwithstanding the time lines contained in these regulations, but subject to the provisions in the Code, the period of lock down imposed by the Central Government in the wake of Covid 19 outbreak shall not be counted for the purposes of the time line for any activity that could not be completed due to such lock down, in relation to a corporate insolvency resolution process:”

4. From a reading of the above special provision the period of lock down imposed by the Central Government in the wake of Covid 19 outbreak shall not be counted for the purpose of time line for any activity that could not be completed due to such lock down and that Regulation 40C of IBBI (Insolvency Resolution Process of Corporate Debtor) Regulations 2016 still exists, the M.A. filed by the Resolution Professional for extension of time for CIRP is premature at this moment. Hence **M.A. No. 95/KOB/2020 is disposed of as premature.**

Dated the 18<sup>th</sup> day of August, 2020

Sd/-  
**(Ashok Kumar Borah)**  
**Member (Judicial)**