

IN THE NATIONAL COMPANY LAW TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

Company Petition No. IB- 2523(PB)/2019

(Under Section 7 of the Insolvency and Bankruptcy Code, 2016)

IN THE MATTER OF:

Mr. RAJESH NAGPAL

... Applicant/Financial Creditor

VERSUS

M/s. SARE GURUGRAM PRIVATE LIMITED

... Respondent/Corporate Debtor

Order Pronounced on: 21.12.2021

CORAM:

CHIEF JUSTICE (RETD.) RAMALINGAM SUDHAKAR

HON'BLE PRESIDENT

SHRI. HEMANT KUMAR SARANGI

HON'BLE MEMBER (TECHNICAL)

For the RP : Mr. Milind Garg & Ms. Nikita Jain Garg, Advocates

ORDER

PER- HEMANT KUMAR SARANGI, MEMBER (TECHNICAL)

1. The necessity of going into the merit of the claim made by the petitioner in above mentioned petition is obviated because in respect of the Corporate Debtor we have admitted another petition namely ***M/s. Asset Care and***

Reconstruction Enterprises Ltd. Vs. M/s. SARE Gurugram Pvt. Ltd., [IB-300(PB)/2020], vide order dated 01.03.2021. As per the provisions of Section 11 of the Code, 2016, another Corporate Insolvency Resolution Process (CIRP), cannot be initiated against a Corporate Debtor that is already undergoing CIRP. However, the petitioners would be entitled to file their claim before the Insolvency Professional, namely *Mr. Ajit Gyanchand Jain*, having registration No. *IBBI/IPA-001/IP-P00368/2017-18/10625*, email id- *ajit@vcanca.com*, in accordance with law which shall be duly considered.

2. Accordingly, the application stands disposed of.
3. Let a copy of this order be served to parties.


— sd —

**[CHIEF JUSTICE (RETD.) RAMALINGAM SUDHAKAR]
(PRESIDENT)**


— sd —

**HEMANT KUMAR SARANGI
MEMBER (TECHNICAL)**