

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (Court-II)

Company Petition No. IB-2142/ND/2019

IN THE MATTER OF:

Shri Mohan Lal, Sole Proprietor

Sri Lakshmi Enterprises

18th Cross, Kudgi Road

Telgi NTPC Gate

Basavan Bagewadi Taluk

Bijapur District, Pin Code- 586216

...Operational Creditor

VERSUS

Sharma Kalypso Private Limited

16C, Basant Lok, Vasant Vihar

New Delhi-110057

...Corporate Debtor

Under Section 9 of the IBC, 2016

Judgement Delivered on 10.01.2020

CORAM:

SMT. INA MALHOTRA, HON'BLE MEMBER (JUDICIAL)

SHRI L.N. GUPTA, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Ashwini Kumar Singh, Advocate

For the Respondent : Mr. Sidharth Chopra, Advocate



JUDGEMENT

PER SHRI. L.N. GUPTA MEMBER (T)

The present Petition is filed under Section 9 of Insolvency and Bankruptcy Code, 2016 (for brevity 'IBC, 2016') read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (for brevity 'the Rules') through Shri Mohan Lal, a Sole Proprietor in the Firm namely, M/s Sri Lakshmi Enterprises, with a prayer to initiate the Corporate Insolvency Resolution Process against M/s Sharma Kalypso Private Limited (for brevity 'Respondent').

2. The necessity of going into the merit of the claim made by the Petitioner in the above-mentioned Petition is obviated as in respect of the same Corporate Debtor namely, M/s Sharma Kalypso Private Limited, this Bench has initiated CIR Process under IBC in an another Petition namely, Corporation Bank Vs. M/s Sharma Kalypso Private Limited, [IB-1887/(ND)/2019], vide Order dated 02.01.2020. As per the provisions contained in the Section 11 of the IBC Code, 2016, another Corporate Insolvency Resolution Process cannot be initiated against a Corporate Debtor that has already been undergoing a Corporate Insolvency Resolution Process.

3. Hence, the Operational Creditor would be entitled to file his claim before the Insolvency Resolution Professional (IRP) appointed in the aforesaid matter, in accordance with law which shall be duly considered.



4. The Registry is directed to communicate a copy of this Order to the IRP (Sh. Navjit Singh, email: navjit92ca@gmail.com appointed in the C.P. No. IB-1887/(ND)/2019), Operational Creditor and the Corporate Debtor immediately.

5. It is, however, made clear that if CIR process initiated in the C.P. No. IB-1887/(ND)/2019 is terminated for any reason, the Petitioner would be at liberty to seek revival of the present application.

6. The petition is disposed off in the above terms.

- Sd -

(L. N. Gupta)
Member (T)

- Sd -

(Ina Malhotra)
Member (J)