

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

**MA/111/KOB/2020  
IN  
IBA/38/KOB/2019**

(Under Section 40 (C) of IBBI(IRP for Corporate Persons) (Third Amendment)  
Regulations, 2020

Order delivered on 9<sup>th</sup> September, 2020

Coram:

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

Vinod Balachandran (Resolution Professional)  
(In the matter of M/s Sanghvi Movers Limited)  
Having Regd. Office at 70/1909, Asoka Road, ...Applicant  
Kaloor, Kochi-682017.

Vs.

M/s Albanna Engineering (India) Pvt Ltd.  
XIV 305 A4(4), 3E, Noel Focus, Sea Port Airport Road  
Chittethukara, CSEZ PO, Kakkanad, Cochin, ...Respondent  
Ernakulam, Kerala-682037.

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

For the applicant : Shri K.B.Arunkumar, Advocate

**ORDER**

This MA/111/KOB/2020 in IBA/38/2019 has been filed by Mr. Vinod Balachandran (RP) in the matter of M/s. Sanghvi Movers Ltd against M/s Albanna Engineering (India) Pvt. Ltd for the following relief:

*“Exempt the lockdown and containment period, upto 31.08.2020 and if continuing thereafter, from counting the time-line for completing resolution process of the respondent under Section 40 C of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Third amendment) Regulations, 2020.”*

MA 111/KOB/2020 in IBA/38/KOB/2019

2. The IBA/38/ KOB/2019 is filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 was admitted vide order dated 25.10.2019 and appointed the applicant herein as Interim Resolution Professional. As per the Committee of Creditors meeting held on 25.11.2019, the IRP was appointed as Resolution Professional of the Corporate Debtor.

3. The applicant submitted that the 180 days' time limit prescribed under Section 12 (1) of the Code expired on 28.04.2020. In the meantime, on 25.03.2020, the Central Government had declared lockdown. It was further submitted that on account of Covid 19 restrictions leading to Central/ State Government lockdown and the current containment zones existing in Ernakulam as well as in places of the creditors it is difficult to obtain creditors' claims documentation, conduct meetings, plan for the hearings before Hon'ble NCLAT and this Tribunal.

4. The learned counsel appearing for the RP through video conferencing stated that as per Section 40 C of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process For Corporate Persons) (Third amendment) Regulations, 2020 the period of lockdown imposed by the Central Government in the wake of Covid 19 outbreak shall not be counted for the purpose of the time-line for any activity that could not be completed due to lockdown, in relation to a Corporate Insolvency Resolution Process.

5. I have meticulously gone through the averments made in the Miscellaneous Application and heard the learned counsel appearing for the Resolution Professional through Video Conferencing. At this juncture I considered the order passed by the Hon'ble Supreme Court of India, Suo Motu Writ Petition (CIVIL) No. 3/2020 in which it was held that:

*“This Court has taken Suo Motu cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/appeals/all other proceedings within the period of limitation prescribed under the general law of Limitation or under Special Laws (both Central and /or State). To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/ Tribunals across the country including this Court, it is hereby ordered that a period of limitation in such proceedings, irrespective of limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order(s) to be passed by this Court in present proceedings.*

*We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities.”*

6. I have also considered the notification published by Insolvency and Bankruptcy Board of India dated 29.03.2020, (Insolvency Resolution Process for Corporate Persons) (Third Amendment) Regulations, 2020, in which it is stated that: -

***“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 lockdown 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 lockdown, in relation to a corporate insolvency resolution process.”.*

7. In the light of the above judgment of the Hon'ble Supreme Court and the amendment made on 29.03.2020 under Section 40 C and also considering the averments made by the RP in this MA and on hearing the learned counsel for Resolution Professional, **this Tribunal allow this Miscellaneous Application** and ordered that the period of CIRP stand extended till 31.08.2020 and after 31.08.2020, the *special provision relating to the time line* issued vide notification dated 29.03.2020 will apply till the lockdown lifting notification is issued by the Government of India.

Dated this the 09<sup>th</sup> day of September, 2020

Sd/-

**(Ashok Kumar Borah)**  
**Member (Judicial)**