

**THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-IV**

I.A. 880 OF 2023

Under Section 60(5) of Insolvency &
Bankruptcy Code, 2016

Mr. Mahesh Keswani

...Applicant

Vs.

Mr. Dinesh Kumar Aggarwal

... Respondent

In the matter of

C.P.(IB) No. 806/MB/2021

Amit Punjabi

Financial Creditor

Vs.

GAMBS India Private Limited

Corporate Debtor

Order delivered on: 21.03.2023

Coram:

Mr. Prabhat Kumar
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Applicant : Ms. Jyoti Muley, Advocate
For the Applicant/RP : Mr. Manish Jha, Advocate

ORDER

Per: Kishore Vemulapalli, Member (Judicial)

1. This is an Application filed by Mr. Mahesh Keswani on 27.02.2023 u/s 60 (5) of the Code seeking certain reliefs: -
 - a. Allow this interlocutory application;
 - b. Direct the Respondent-RP to admit the original claim of the Applicant in sum of Rs.1,18,93,291/- (Rupees One Crore Eighteen Lakhs Ninety-Three Thousand Two Hundred and Ninety-One only) which was earlier admitted by the IRP;
 - c. Any other orders as the Hon'ble Bench deems fit.
2. The Applicant submits that he has offered a financial help to the Corporate Debtor for Rs.25.00 Lakhs on 15.02.2011 on certain terms and had claimed a sum of Rs. 25,00,000/-, towards principal and interest accrued thereon @ 17% p.a., which has been rejected by the RP, though it was earlier admitted by his predecessor.
3. We have heard the counsel and perused the material available on record. We notice that the CoC of the Corporate Debtor has resolved to liquidate the Corporate Debtor and in accordance thereto, the Resolution Professional of the Corporate Debtor has

filed an application u/s 33 of the Code before this Bench. This Application numbered I.A. 737/2023 was heard and reserved for orders on 02.03.2023 and this Bench has ordered liquidation vide its order dated 21.03.2023.

4. In view thereof, the present I.A. becomes infructuous and dismissed accordingly. The Applicant shall be at liberty to file claim before the liquidator, who shall adjudicate the claim of the applicant on its merits.

Sd/-

PRABHAT KUMAR
Member (Technical)
/NP/

Sd/-

KISHORE VEMULAPALLI
Member (Judicial)