

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD

COURT - 2

ITEM No. 304 - **CP(IB)/43(AHM)2021**

With

ITEM No.305 - IA/842(AHM)2022

Order under Section 9 alongwith Section 60(5) IBC r.w Rule 11 of NCLT Rules, 2016

IN THE MATTER OF:

Anupam Industries Ltd.

.....Applicant

V/s

Bharat Industrial Projects Pvt. Ltd

.....Respondent

Order delivered on 09/01/2024

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)

Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

ORDER

The case is fixed for pronouncement of the order. The common order is pronounced in the open court, vide separate sheet.

S/d-

S/d-

**DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)**

**CHITRA HANKARE
MEMBER (JUDICIAL)**



**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT NO.2**

CP (IB) No.43/NCLT/AHM/2021

with

IA No. 842/NCLT/AHM/2022

[Application under Section 9 of the IB Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016]

CP (IB) No.43/2021

In the matter between

Bharat Industrial Projects Pvt. Ltd.

....Applicant/Operational Creditor

Vs.

Anupam Industries Ltd.

....Respondent/Corporate Debtor

And

IA No. 842/2022 in CP (IB) No. 43/2021

Anupam Industries Ltd.

....Applicant/Original Corporate Debtor

Vs.

Bharat Industrial Projects Pvt. Ltd.

.....Respondent/Original Operational Creditor



Order pronounced on: 09.01.2024

Coram:

**MRS. CHITRA HANKARE
HON'BLE MEMBER (JUDICIAL)**

**DR. VELAMUR G. VENKATA CHALAPATHY
HON'BLE MEMBER (TECHNICAL)**

Memo of Parties

CP(IB) No. 43/2021

Bharat Industrial Projects Pvt. Ltd.

Shanti Memorial Hospital Lane,

Uditnagar, Rourkela -769012.

Dist. Sundargarh, Odisha

....Applicant/ Operational Creditor

Vs.

Anupam Industries Ltd.

Having its Registered Office at:-

138, GIDC Estate, Vithal Udhyognagar,

Anand.Gujarat-388121

....Respondent/Corporate Debtor

Memo of Parties

IA 842/2022

Anupam Industries Ltd.



Having its Registered Office at:-
138, GIDC Estate, Vithal Udhyognagar,
Anand.Gujarat-388121

....Applicant/Original Corporate Debtor

Appearance:

For the Applicant/Operational Creditor: Mr. Chakradhar Panigrahi
Party-in-Person

For the Respondent/Corporate Debtor: Mr. Kamlesh Vaidankar, Adv.

JUDGMENT

1. The applicant company filed this application i.e. CP(IB) 43/2021 under Section 9 of the Insolvency and Bankruptcy Code, 2016 [“the Code” for short] read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for initiating Corporate Insolvency Resolution Process (CIRP) against the respondent/corporate debtor.
2. Thereafter, in the meantime, the original respondent/corporate debtor filed an IA No.842/2022 under section 60(5) of the IB Code, 2016 read with Rule 11 of the NCLT Rules, 2016 for deciding the maintainability of the main matter i.e. CP (IB) No. 43/2021.
3. Against the same Corporate Debtor i.e. Anupam Industries Ltd., CP(IB)15/2021 has already been admitted by NCLT Ahmedabad Bench Court 1 vide order dated 22.12.2023 and the Corporate Insolvency Resolution Process is initiated. Hence, the present



Applicant/Operational Creditor may place its claim before the Interim Resolution Professional (IRP) of the Corporate Debtor.

Hence, we pass the following orders:

ORDER

The application i.e. CP(IB)43/2021 along with IA 842/2022 becomes infructuous and stands disposed off.

S/d-

**DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)**

S/d-

**CHITRA HANKARE
MEMBER (JUDICIAL)**