

DIVISION BENCH
COURT - II

O-14

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/1614(KB)2019
IA(I.B.C)/389(KB)2020, IA(I.B.C)/1151(KB)2020,
IA(I.B.C)/54(KB)2022, IA(I.B.C)/72(KB)2022,
IA(I.B.C)/70(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR
2. HON'BLE MEMBER(T), SHRI HARISH CHANDER SURI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 24THFEBRUARY, 2022, 10:30 A.M

IN THE MATTER OF	PRISM JOHNSON LIMITED VS RNM INFRA PRIVATE LIMITED
UNDER SECTION	IBC UNDER SEC 9

Counsel / Authorised Representative appeared through video conference:

For IRP : Mr. Rahul Auddy, Adv.
Mr. Kanchan Dutta, IRP in person

For Operational Creditor : Mr. Vijay Nath Jha, Adv.

For the applicant in IA/54/2022 : Ms. Aparajita Rao, Adv.

ORDER

1. Ld. Counsel for the parties present. IRP is present in person.
2. IA(IBC)/389(KB)2020 & IA(IBC)/1151(KB)2020 – It is submitted by the Ld. Counsel for the IRP that these applications have become infructuous. These applications are, therefore, dismissed as infructuous.
3. IA(IBC)/72(KB)2022 –This application has been moved by the IRP for exclusion of 676 days from the CIRP period. It is submitted that order of admission was passed on 21/01/2020 and the said order was brought to the knowledge of the IRP by the Operational Creditor only on 07/02/2020. Thereafter, CIRP proceeding was stayed vide order dated 05/03/2020 and the same was vacated on 23/12/2021. Therefore, in total 676 days period, i.e., 17 days from 21/01/2020 to 07/02/2020 and 659 days from 05/03/2020 to 23/12/2021, was lost on account of delay in communication of the order to the IRP and in litigation. In view of the statements made in the

application and the submissions made by the Ld. Counsel for the IRP in Court, 676 period is excluded from the CIRP period. With this direction IA is disposed of accordingly.

4. IA(IBC)/70(KB)2022 – List this application again on **21/04/2022**.

5. IA(IBC)/54(KB)2022 – This application is moved by the Federal Bank, one of the Financial Creditor, for replacement of the IRP. List this matter again on **28/02/2022**.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

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