

**NATIONAL COMPANY LAW TRIBUNAL  
COURT – IV, MUMBAI BENCH**

17.IA-1509/2020  
IN  
CP(IB)-4164(MB)/2019

CORAM:

SHRI RAJESH SHARMA  
MEMBER (Technical)

SMT. SUCHITRAKANUPARTHI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **18.11.2020**

Name of the Parties: Dhiren Shantilal Shah  
Vs.  
Tuticorin Coal Terminal Pvt Ltd

SECTION 60(5) OF THE INSOLVENCY & BANKRUPTCY CODE 2016

**ORDER**

**The Court is convened through Video Conference.**

1. Mr. AniruthPurusotuma/w Dhiren S Shah, Ld. Counsel for the Petitioner present.
2. This is an application filed by the RP seeking exclusion of lock down period from 25<sup>th</sup>March, 2020to31<sup>st</sup> July, 2020 while counting the period of CIRP. The Applicant also seeks extension of 90 days as the Resolution Plan of the Resolution Applicant is under active consideration.
3. The CoC, vide its meeting held on 07.08.2020, resolvedwith 96% e-voting to seek exclusion and extension of CIRP. The resolution of CoC reads asunder:-

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**Exclusion & extension of time period& cost of lawyer: -**

*“RP informed that 180 days of CIRP period is getting over on 18<sup>th</sup> August 2020, hence we need to file exclusion of time period due to lock down with Hon’ble NCLT Mumbai Bench. RP had also suggested to file extension of time period application simultaneously in one application only. RP informed that fees of the lawyer for the combined application will be Rs. 25,000+ out of pocket expenses +GST.*

*BOI representative asked whether application of exclusion of COVID period is required or the same is assumed basis IBBI guidelines. RP advised that application needs to be filed.*

*After some discussion it was decided to put the agenda for E-voting. Bank of India asked to put exclusion & extension of time applications as two different agenda for E-voting.”*

4. In view of the above this Bench approved exclusion for the period of 125 days from 25<sup>th</sup> March, 2020 to 31<sup>st</sup> July, 2020 and approves the extension of CIRP period by 90 days.

**Sd/-**  
**RAJESH SHARMA**  
**Member (Technical)**  
18.11.2020/skd

**Sd/-**  
**SUCHITRA KANUPARTHI**  
**Member (Judicial)**