

DIVISION BENCH
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**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

IA(IB) 474/KB/2022
CP(IB)1671/KB/2018

**CORAM: 1. HON'BLE MEMBER(J), SHRI RAJASEKHAR V.K.
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 25TH MAY, 2022, 10:30 A.M

IN THE MATTER OF	Oriental Bank of Commerce Vs. RDH Technologies Private Limited
UNDER SECTION	Sec 7 IBC

Appearances (via video conference)/Physically

For the Liquidator

Ms. Urmila Chakraborty. Adv.

Ms. Nimisha Agarwal, Adv.

Mr. Umesh Poddar, Liquidator in person

ORDER

1. Ld. Counsel for the Applicant present.
2. This matter is not on Board today. It is taken on Board upon being mentioned by the Ld. Counsel appearing for the Liquidator. The Liquidator is also present in court today.
3. This is an application filed by the Liquidator, seeking leave of this Adjudicating Authority in terms of proviso to section 33(5) of the Code, for filing an application/petition challenging the impugned arbitration award dated 10.07.2019, under section 34 of the Arbitration and Conciliation Act, 1996.
4. It is stated that the liquidator came to learn about the said Arbitral Award passed by the Sole Arbitrator in the arbitration proceedings between one Eskay Enclave Private Limited and the Corporate Debtor herein, when a claim was lodged with the liquidator.

After examining the claim in consultation with his legal advisor, the liquidator is of the opinion that there is a good basis for challenging the impugned arbitral award.

5. The time for challenging the arbitral award has expired in the normal course. The Liquidator seeks to take recourse to the order dated 10th January, 2022 in ***Suo Moto Writ*** proceedings being **SMW (C) No. 3 of 2020**, excluding the period of limitation falling between 15.03.2020 and 28.02.2022, and further requesting for extending period, in respect of any legal proceeding for a further period of 90 days starting from 01.03.2022. Thus, the extended period of limitation in the light of the Hon'ble Supreme Court's Order, in the said ***Suo Moto Writ*** proceedings will expire on 30.05.2022. Considering the reasons adduced in the application, we deem it proper to grant leave to the Liquidator to file appropriate applications/petitions under section 34 of the Arbitration and Conciliation Act, 1996.
6. IA(IB)474/KB/2022 stand disposed with the above direction.

(Balraj Joshi)
Member (Technical)

(Rajasekhar V.K.)
Member (Judicial)