

IN THE NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH

CORAM: SHRI DEEP CHANDRA JOSHI,
HON'BLE JUDICIAL MEMBER

SHRI RAJEEV MEHROTRA,
HON'BLE TECHNICAL MEMBER

IA (IBC) No. 643/JPR/2023
In CP No. (IB)- 275/9/JPR/2019

IN THE MATTER OF:

M/S SANGAM (INDIA) LIMITED

... Operational Creditor

VERSUS

M/S SUZUKI TEXTILES LIMITED

... Corporate Debtor

MEMO OF PARTIES

IA (IBC) No. 643/JPR/2023:

PRASHANT AGRAWAL
*Chairperson of Monitoring
Committee of Suzuki Textiles Limited*
F-106, 1st Floor, Sumer Complex,
Gautam Marg, Behind Bagdia Bhawan,
C- Scheme, Jaipur- 302001 (Rajasthan)

...Applicant

VERSUS

**OFFICE OF ASSISTANT COMMISSIONER,
COMMERCIAL TAX DEPARTMENT,
CIRCLE- B, BHILWARA**

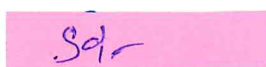
Room No. 110, Kar Bhawan, Ajmer
Road, Bhilwara- 311001 (Rajasthan)

...Respondent

FOR THE APPLICANT

: Ankit Sareen, Adv.
Prashant Agrawal, present in person

Order Pronounced On: 19.01.2024



ORDER



Per: Shri Rajeev Mehrotra, Technical Member

1. The present Application has been filed under Section 420 of the Companies Act read with Rule 154 and 11 of the National Company Law Tribunal Rules, 2016 on behalf of the Chairperson of the Monitoring Committee of the *M/s Suzuki Textiles Private Limited* seeking rectification of the Order dated 22.11.2023 passed in *IA No. 278/JPR/2023*.
2. It is seen that in the main matter, an Application was filed under Section 9 of the Code by *M/s Sangam (India) Limited* seeking initiation of CIRP of the Corporate Debtor namely *M/s Suzuki Textile Limited*. This Authority vide order dated 31.01.2022 admitted the said application and appointed *Mr. Prashant Agrawal* as the Interim Resolution Professional ('IRP'). Thereafter, the Committee of Creditors ('CoC') approved the Resolution Plan submitted by *M/s Sai Leela Synthetics Pvt. Ltd.* being the Successful Resolution Applicant ('SRA') which was subsequently approved by this Adjudicating Authority on 18.01.2023. Pursuant to the aforesaid order passed by this Adjudicating Authority, the Applicant was appointed as the Chairperson of Monitoring Committee of the Corporate Debtor for the implementation of the Resolution Plan.
3. We have heard the Learned Counsel appearing on behalf of the Applicant. The Applicant has filed this IA seeking rectification in the operative part of the order dated 22.11.2023. While adjudicating the *IA No. 278/JPR/2023*, this Adjudicating Authority directed the Respondent (*Office of Assistant*

Sd-

Sd-

Commissioner Commercial Tax Department, Circle- B, Bhilwara) to submit a demand draft in favour of *Assistant Commissioner CGST, Division- F, Bhilwara* of Rs. 1,85,000/- (Rs. One Lakh Eight- Five Thousand Only) within 10 days from the date of the order.

4. It has been submitted by the learned counsel for the Applicant that while making payment to the stakeholders, the Corporate Debtor committed an inadvertent mistake whereby a payment of Rs. 1,85,000/- (Rs. One Lakh Eight- Five Thousand Only) was wrongly made to the Respondent i.e., *Office of Assistant Commissioner Commercial Tax Department, Circle- B, Bhilwara* which was supposed to be made in the bank account of *Assistant Commissioner of CGST, Division- F, Bhilwara*.
5. The Applicant in order to rectify the mistake, made payment of Rs. 1,85,000/- to the rightful stakeholder, i.e., *Assistant Commissioner of CGST, Division- F, Bhilwara*. The said amount was paid by the Applicant from the CIRP bank account of the Corporate Debtor in good faith to facilitate the successful implementation of the Resolution Plan as per the aims and objectives of the Insolvency & Bankruptcy Code, 2016.
6. This Adjudicating Authority while disposing *IA No. 278/JPR/2023* directed the Respondent vide order dated 22.11.2023 to submit a demand draft in favour of *Assistant Commissioner CGST, Division- F, Bhilwara* of Rs. 1,85,000/- (Rupees One Lakh Eight-Five Thousand Only). The CGST Department was already paid by the Applicant in order to rectify the mistake

Sd/-

Sd/-

committed by the Applicant. Hence, the Applicant has prayed that the Respondent be directed to deposit a sum of Rs. 1,85,000/- (Rupees One Lakh Eight-Five Thousand Only) in the CIRP bank account of the Corporate Debtor, the details of which are as below:

Bank Name: State Bank of India

Branch Name: SBI Prithviraj Road, Jaipur

Account No.: 41218088452

IFSC Code: SBIN0031443

Account Name: Suzuki Textiles Limited under CIRP

7. In view of the submissions made by the learned counsel for the Applicant, Order dated 22.11.2023 is rectified and Respondent is directed to submit a Demand Draft of Rs. 1,85,000/- (Rupees One Lakh Eight-Five Thousand Only) in the aforesaid Bank account of the Corporate Debtor within 10 days from the date of this order.
8. The Application stands disposed off with the aforesaid direction. The Registry is directed to send a copy of this Application to the parties herein.

Sd/-

**DEEP CHANDRA JOSHI
JUDICIAL MEMBER**

Sd/-

**RAJEEV MEHROTRA
TECHNICAL MEMBER**