

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**BENGALURU BENCH**  
**(Through web-based video conferencing platform)**

**ITEM No.06**  
**CP (IB) No. 51/BB/2022**

**IN THE MATTER OF:**

M/s. Kitagawa India Pvt Ltd ... Petitioner  
Vs. ...  
M/s. Galaxy Machinery Pvt Ltd ... Respondent

**Order under Section 9 of Insolvency & Bankruptcy Code, 2016**

**Order delivered on 04.04.2022**

**CORAM:**  
**SH. AJAY KUMAR VATSAVAYI**  
**HON'BLE MEMBER (JUDICIAL)**

**SH. MANOJ KUMAR DUBEY**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Petitioner : Sh. Pramod Kumar R Ladda  
For the Respondent : Sh. Nikhil Kurgod

**ORDER**

1. Heard Mr. Pramod Kumar R Ladda, learned PCS for the Petitioner and Mr. Nikhil Kurgod, learned Counsel for the Respondent.
2. Admittedly, the amount of debt claimed in the C.P. is Rs.33,08,318/- that is less than Rs.1 Crore and in view of the amendment to Section 4 of the IBC, 2016 which came into force from 24.03.2020, where under, the minimum threshold limit for filing the Application under Section 7 or 9 of the IBC, 2016 is enhanced from one lakh rupees to one crore rupees. Further, admittedly the instant C.P. filed on 02.11.2021 i.e. after the amendment to Section 4 of the IBC, 2016.
3. In *Jumbo Paper Products Vs. Hansraj Agrofresh Pvt Ltd. in Company Appeal (AT) (Ins) No. 813 of 2021, dated 04.10.2021* the Hon'ble NCLAT observed as under:  
"10.-----It is seen that notification dated 24.03.2020 (supra) makes it unambiguously clear that the threshold limit to be considered for Section 9 application will be Rs.1 Crore. This threshold limit will be applicable for application filed u/s 7 or 9 on or after 24.03.2020 even if debt is of a date earlier than 24.03.2020."

— sd —

4. In the circumstances and in view of the clear provision of law and the judgement of the Hon'ble NCLAT, the instant C.P. is not maintainable and accordingly, the C.P. (IB) No. 51/BB/2022 is dismissed.
5. However, this order shall not come in the way of the Petitioner from availing any other remedy, if available, in accordance with law.

— Sd —

**(MANOJ KUMAR DUBEY)**  
**MEMBER (TECHNICAL)**

— Sd —

**(AJAY KUMAR VATSAVAYI)**  
**MEMBER (JUDICIAL)**