



**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**INDORE BENCH**  
**COURT NO. 1**

ITEM No.1 – **IA/346(MP)2023**  
in  
**CP(IB)/37(MP)2022**

**Proceedings under Section 7 IBC**

**IN THE MATTER OF:**

Kalyan Toll Infrastructure Pvt Ltd  
V/s  
M/s Premshree Prime Properties Pvt Ltd

.....Applicant

.....Respondent

**Order delivered on 23/11/2023**

**Coram:**

P. Mohan Raj, Hon'ble Member(J)  
Kaushalendra Kumar Singh, Hon'ble Member(T)

**PRESENT:**

For the Applicant : Ld. PCS Mr. Pratik Tripathi (Online)  
For the Respondent :

**ORDER**

**IA/346(MP)2023**

This is an application filed by the RP under Section 60(5) of the IBC, 2016 r.w. Rule 11 of the NCLT Rules, 2016 for setting aside the orders dated 25.09.2023 passed by the Respondent/Regional Provident Fund Commissioner-II, Indore under the provisions of Sections 7-A, 14B and 7Q of the EPF & MP Act demanding the payment of certain dues against the Corporate Debtor.

We have heard the learned PCS, Mr. Pratik Tripathi appearing for the RP.

Learned PCS for the RP submits that in compliance with the summons issued by the Regional Provident Fund Commissioner-II, Indore, the applicant had appeared and provided the requisite replies and brought to their notice that the Corporate Debtor is already under the CIRP and there is a moratorium under Section 14 of the IBC, 2016. He also submits that in the process, the Regional Provident Fund Commissioner-II, Indore has finally passed an order for the payment of the dues. He also submits that he had already advised the Regional Provident Fund Commissioner-II Office, Indore to file their claims, if at all, which has not been done so far.

After considering the facts of the case, we are of the view that for setting aside these orders, the RP can approach the appropriate forum. Nevertheless, it is made very clear that in the moratorium period, no such direction for payment can be enforced by the Regional Provident Fund Commissioner-II, Indore.

Nevertheless, the present application seeking to set aside all those orders is not maintainable and, accordingly, **IA/346(MP)2023** stands **dismissed** as **not maintainable**.

The Applicant/RP is at liberty to file an appropriate application seeking suitable relief from this Adjudicating Authority.

Sd/-

**KAUSHALENDRA KUMAR SINGH**  
**MEMBER (TECHNICAL)**  
A. Bhadauria

Sd/-

**P. MOHAN RAJ**  
**MEMBER (JUDICIAL)**