

**THE NATIONAL COMPANY LAW TRIBUNAL  
PRINCIPAL BENCH  
AT NEW DELHI**

**Company Petition No. (IB)-2331 (PB)/2019**

**Under Section 7 of the Insolvency and Bankruptcy Code,  
2016**

In the matter of:

Amit Joshi

Applicant/Financial Creditor

Vs

Gayatri Infra Planner Private Limited

Respondent / Corporate Debtor

***Judgment delivered on: 02.01.2020***

**CORAM:**

**MR. CHIEF JUSTICE (RTD.) M. M. KUMAR HON'BLE PRESIDENT**

**MR. S. K. MOHAPATRA, MEMBER (TECHNICAL)**

For the Petitioner: Mr. Amit Joshi, Petitioner in person.

For the Respondent: Mr. Kunal Sharma, Mrs. Tania Sharma,  
Ms. Shankari Mishra, Advocates.



## **ORDER**

**S. K. Mohapatra, Member**

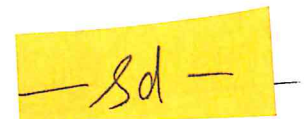
1. The present Company Petition bearing no. IB. 2331 (PB)/ 2019 has been filed by the Applicants under Section 7 of the Insolvency & Bankruptcy Code, 2016 for initiation of Corporate Insolvency Resolution Process against the respondent corporate debtor, M/s Gayatri Infra Planner Private Limited.
2. However, against the same corporate debtor, a petition under Section 7 of Insolvency and Bankruptcy Code, 2016 has already been admitted today by this bench in the matter namely, Ms. Mansi Brar Fernandes v. M/s Gayatri Infra Planner Private Limited bearing no. (IB)-752 (PB)/2019.
3. As per the provisions of Section 11 of the Code, another Corporate Insolvency Process cannot be initiated against a corporate debtor that is undergoing a Corporate Insolvency Resolution Process. Once Corporate Insolvency Resolution Process has already commenced against the respondent corporate debtor, the present petition filed under Section 7



against the self-same corporate debtor has become infructuous.

4. Accordingly, the present company petition IB 2331 (PB)/ 2019 is disposed of.
5. However, the applicants would be entitled to file their respective claims before the Interim Resolution Professional namely Mr. Manish Sukhani, registration number IBBI / IPA-001 / IP-P006668/ 2017-18 / 11137 with e-mail id as ca.m.sukhanl@gmail.com, having address at B-213, Orchard Road, all Royal Palms, Aarey Colony, Goregoan, Mumbai-400065, which shall be duly considered in accordance with law.
6. The IB-2331 (PB) /2019 stands disposed of as having been rendered infructuous with liberty in aforesaid terms.

Let copy of the order be served to the parties.



**(M.M. KUMAR)  
PRESIDENT**



**(S. K. MOHAPATRA)  
MEMBER (TECHNICAL)**