

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1



ITEM No.306
IA/483(AHM)2025
in
C.P.(IB)/231(AHM)2024

Proceedings under Section 60(5) IBC, r/w Regulation 19 IBBI r/w Rule 11
NCLT

IN THE MATTER OF:

Mr. Kailash T Shah RP of Mr. Dinesh Lathidadia PG to M/sApplicant
Palav Synthetics Pvt. Ltd

.....Respondent

Order delivered on: 04/04/2025

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sanjeev Kumar Sharma, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER
(Hybrid Mode)

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

Sd/-

SANJEEV KUMAR SHARMA
MEMBER (TECHNICAL)

Sd/-

SHAMMI KHAN
MEMBER (JUDICIAL)



**BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT-I, AHMEDABAD**

**I.A. No.483/NCLT/AHM/2025
In
CP (IB) No.231/NCLT/AHM/2024**

[Application under Section 60(5)(c) of the Code r/w Regulation 19 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 a/w Rule 11 of NCLT Rules, 2016]

In the matter of **Mr. Dinesh Lathidadia**

I.A. No.483/NCLT/AHM/2025

Mr. Kailash T Shah

Resolution Professional of Mr. Dinesh Lathidadia
Personal Guarantor to M/s. Palav Synthetics Pvt. Ltd.
IBBI Regn. No.: IBBI/IPA-001/IP-P00267/2017-
2018/10511

Having Address at:

505, 21st, Century Business Centre, Ring Road, Beside
World Trade Centre, Surat, Gujarat-395002 E:
ipktshah@gmail.com

**... Applicant
(Resolution Professional)**

Order pronounced on 04.04.2025

CORAM:

SH. SHAMMI KHAN, HON'BLE MEMBER (JUDICIAL)

SH.SANJEEV KUMAR SHARMA, HON'BLE MEMBER (TECHNICAL)

For Applicant : Mr. Nipun Singhvi, Advocate



ORDER
Per: Bench

1. This Interlocutory Application has been filed through e-mode and on 28.03.2025 by the Applicant/RP under Section 60(5) (c) of the Code r/w Regulation 19 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 a/w. Rule 11 of NCLT Rules, 2016, seeking exclusion of 108 days on account of the stay granted by the Hon'ble National Company Law Appellate Tribunal (NCLAT) from 29.11.2024 to 17.03.2025 and grant of extension for submission of repayment plan for further 60 days w.e.f. 19.02.2025 in the on-going insolvency proceedings against the Personal Guarantor of **Palav Synthetics Pvt. Ltd. (Corporate Debtor)**.
2. It is submitted by the Applicant/RP that CP (IB) No.231/NCLT/AHM/2024 was admitted on 21.10.2024 under Section 100 of the IBC, initiating IIRP against the Personal Guarantor, with a 180- days moratorium



effective from that date which is set to expire on 20.04.2025.

3. The Personal Guarantor challenged the admission order before the National Company Law Appellate Tribunal (NCLAT) in Company Appeal CA (AT) (INS) No. 2147 of 2024. On 29.11.2024, the Hon'ble Appellate Authority granted ad interim relief, directing that while the insolvency process against the Appellant (PG) may continue, no repayment plan shall be finalized until further orders. This interim relief has effectively stayed the finalization of the repayment plan, creating a stand-still period in the resolution process.

4. We have heard the Ld. Counsel for the Applicant/RP and perused the record. Considering the present facts and circumstances of the case as explained above being the NCLAT's interim order and pending judgment have prevented finalization of any plan, necessitating additional time. Further, the moratorium set to expire on 20.04.2025, the creditors' resolution on 17.03.2025 supports this extension to preserve the process's viability.



5. Moreover, Regulation 19(1) of the IBBI Regulations, 2019, requires the RP to file an approved repayment plan within 120 days, extendable by this Tribunal in exceptional cases. Rule 11 of the NCLT Rules, 2016, empowers this Tribunal to issue orders ensuring justice, including timeline extensions when warranted.
6. Therefore, exercising our powers under Rule 11 and Regulation 19, period of 108 days is excluded from 29.11.2024 to 17.03.2025 on account of the stay granted by the Hon'ble NCLAT. Further the IIRP period is further extended by 60 days w.e.f. 19.02.2025 with conditions: -
- a) No further extensions will be granted absent compelling new circumstances.
- b) Registry to communicate this order within three days and upload it online immediately.
7. In view of the above, **IA/483(AHM) 2025** stands disposed of.

Sd/-

SANJEEV KUMAR SHARMA
MEMBER (TECHNICAL)

Sd/-

SHAMMI KHAN
MEMBER (JUDICIAL)

VP