

**THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH
(Exercising powers of Adjudicating Authority under
the Insolvency and Bankruptcy Code, 2016)
(through web-based video conferencing platform)**

**IA No.251/2021
in
CP (IB) No.155/Chd/Hry/2018
(Admitted)**

**Under Sections 60(5) and
25(1) of the IBC 2016**

In the matter of:-

M/s Hind Tradex Limited

...Petitioner-Operational Creditor

Versus

M/s Lakshmi Precision Screws Limited

...Respondent-Corporate Debtor

And in the matter of:-

IA No.251/2021

Mr. Deepak Thukral, Resolution Professional
of M/s Lakshmi Precision Screws Limited

...Applicant/Resolution Professional

Vs.

CtrlS Datacenters Ltd.
16, Software Units Layout,
Madhapur (Hitech-City), Hyderabad

....Respondent

Order delivered on: 14.09.2022

**Coram: HON'BLE MR. HARNAM SINGH THAKUR, MEMBER (JUDICIAL)
HON'BLE MR. SUBRATA KUMAR DASH, MEMBER (TECHNICAL)**

Present through video-conferencing:

For the Applicant in : Mr. Savar Mahajan, Advocate
IA No.251/2021

For the Respondent : None
IA No.251/2021

Per: Subrata Kumar Dash, Member (Technical)

ORDER

IA No.251/2021

The instant Application is filed under Section 60(5) and 25(1) of the Insolvency & Bankruptcy Code, 2016 by Mr. Deepak Thukral, Resolution Professional of M/s Lakshmi Precision Screws Limited (herein referred as “**Applicant/RP**”) and CtrlS Datacenters Limited (herein referred as “**Respondent**”).

2. The applicant/RP seeking directions against the respondent to hand over the backup of the e-mail data since their outstanding dues to the tune of Rs.49,850/- will be considered as CIRP cost and will be paid on priority after approval of the resolution plan by this Adjudicating Authority.

3. The applicant/RP states that the respondent was managing the email services of the corporate debtor and had been requested by the Applicant-RP through his email dated 26.02.2021 to close the email services of the corporate debtor after handing over the backup of the previous data. It is further stated that the corporate debtor is not in operation due to a shortage of funds, and the respondent had earlier, by e-mail dated 23.02.2021 requested the applicant/RP to make the payment for the email services being availed by the corporate debtor.

4. Despite notices being served, nobody appeared on behalf of the respondent, nor was any reply filed and the respondent being proceeded ex parte by order dated 11.08.2022.

5. On a perusal of the application, it is clear that the applicant/RP has made a reasonable offer to the respondent to hand over the backup of the email data to the applicant/Resolution Professional and also that the outstanding dues to the tune of Rs.49,850/- is proposed to be considered as CIRP cost and will be paid on priority after the approval of the resolution plan.

6. In the circumstances, the respondent is directed to hand over the backup of the email data and not to make it conditional to the payments, which are otherwise being considered as part of the CIRP cost. In the result, the present IA No.251/2021 is allowed and disposed of accordingly.

Sd/-
(Subrata Kumar Dash)
Member (Technical)

Sd/-
(Harnam Singh Thakur)
Member (Judicial)

September 14, 2022

AV