

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (Court-II)

Company Petition No. (IB)-2127(ND)/2019

IN THE MATTER OF:

Mr. Ajay Kumar Singh
(Sole Proprietor of Data Scantech Solutions)
B-109, Vijaya Apartment
Ahinsa Khand-2, Near Shanti Gopal Hospital
Indrapuram, Gaziabad, Uttar Pradesh-201010

Office Address:
324, 2nd Floor, Udyog Vihar
Phase-II, Gurugram-122001

...Financial Creditor

VERSUS

M/s NYSA Communication Pvt. Ltd.
1st Floor, F-18, Preet Vihar
Vikas Marg, Delhi-110092

...Corporate Debtor

Under Section 9 of the IBC, 2016

Order Delivered on : 01.11.2021

CORAM:

SH. ABNI RANJAN KUMAR SINHA, HON'BLE MEMBER (JUDICIAL)
SH. L. N. GUPTA, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner : Mr. Sagar Bansal, Advocate
For the Respondent : None

(IB)-2127(ND)2019

M/s Data Scantech Solutions Vs. NYSA Communication Pvt. Ltd.

ORDER

PER SHRI. L. N. GUPTA MEMBER (T)

The present Petition is filed under the Section 9 of the Insolvency and Bankruptcy Code, 2016 (**IBC 2016**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (**the Rules**) by Data Scantech Solutions through its Proprietor Mr. Ajay Kumar Singh (**Financial Creditor**), with a prayer to initiate the Corporate Insolvency Resolution Process against M/s NYSA Communication Pvt. Ltd. (**Corporate Debtor**).

2. The necessity of going into the merits of the contentions of the Applicant in the above-mentioned Petition is obviated as in respect of the same Corporate Debtor namely, M/s NYSA Communication Pvt. Ltd., this Tribunal has already initiated the Corporate Insolvency Resolution Process (CIRP) under the IBC 2016 in the matter of M/s Computer Junction Pvt. Ltd. Vs. M/s NYSA Communication Pvt. Ltd., in (IB)-556(ND)2020, vide Order dated 13.10.2021. Mr. Navjit Singh with IBBI Registration No. IBBI/IPA-001/IP-P00314/2017-18/10578 (Email: navjit92ca@gmail.com, having office at 218-A, First Floor, Shop No. 4, Rama Market, Pitampura, New Delhi-110034) has been appointed as IRP to manage the CIR process of the Corporate Debtor.



3. As per the provisions contained in Section 11 of the IBC 2016, another CIR Process cannot be initiated against a Corporate Debtor, which has already been undergoing the Corporate Insolvency Resolution Process, which is the case in the present matter.

4. The CIR Process against the Corporate Debtor, M/s NYSA Communication Pvt. Ltd. having already been initiated in the matter of M/s Computer Junction Pvt. Ltd. Vs. M/s NYSA Communication Pvt. Ltd., in (IB)-556(ND)2020, vide Order dated 13.10.2021 by this Tribunal, another CIR process can not be initiated.


5. **The petition C.P. (IB)-2127(ND)/2019 is therefore, Dismissed being infructuous.**

6. The Registry is directed to communicate a copy of this Order to the Financial Creditor in the present matter and IRP Mr. Navjit Singh with IBBI Registration No. IBBI/IPA-001/IP-P00314/2017-18/10578 (Email: navjit92ca@gmail.com, having office at 218-A, First Floor, Shop No. 4, Rama Market, Pitampura, New Delhi-110034) immediately.

7. It is, however, made clear that if CIR Process initiated in the C.P. No. (IB)-556(ND)2020 is terminated for any reason, the Petitioner would be at liberty to seek revival of the present Petition.



(L. N. Gupta)
Member (T)



(Abni Ranjan Kumar Sinha)
Member (J)