

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P (IB)-1906/(MB)/2019

CORAM:

SHRI V. P. SINGH
MEMBER (J)
SHRI RAJESH SHARMA
MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 23.8.2019

NAME OF THE PARTIES: Sanjay Chemicals (India) Pvt Ltd
V/s
Sharon Bio-Medicine Ltd

Section 9 of the Bankruptcy and Insolvency Act, 2016

ORDER

29.C.P.(IB)-1906(MB)2019

Petitioner has filed this Petition under Section 9 of IBC, 2016, for initiation of CIRP against the Corporate Debtor Sharon Bio-Medicine Ltd. This Petition is being filed , for the claim relating to the invoice No.006913, dated 6.1.2016, amounting to Rs.3,59,219/-, Invoice NO.007080, dated 13.1.2016, amounting to Rs.43,948/- and Invoice No.M00310, dated 13.7.2017, amounting to Rs.74,879/-. The total outstanding amount including interest is shown as Rs.11,42,485/-.

It is pertinent to mention that Petition against the same Corporate Debtor was admitted by order of this Bench dated 11.4.2017. After CIRP, the resolution plan was approved by order of this Bench dated 28.2.2018. This order was challenged before the Hon'ble NCLAT in Company Appeal (AT) Insolvency No.164 of 2018 and the same was decided by Hon'ble NCLAT by order dated 19.12.2018, and the appeal was dismissed. This order was again challenged before the Hon'ble Supreme Court in Civil Appeal No.1603/2019

which was rejected by Hon'ble Supreme Court by order dated 5.4.2019. In the circumstances, approved resolution plan Sharon Bio-Medicine Ltd. has attained the finality.

The outstanding dues are for the period prior to the initiation of CIRP of the corporate debtor, and approval of the resolution plan. Therefore for any claim prior to CIRP period can only be dealt with the approved Resolution Plan.

This Petition is therefore not maintainable, hence rejected.

Sd/-
RAJESH SHARMA
Member (Technical)

Sd/-
V. P. SINGH
Member (Judicial)