

DIVISION BENCH
COURT - I

S-9

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/77(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI RAJASEKHAR V.K.
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 22ND APRIL, 2022, 10:30 A.M

IN THE MATTER OF	WINNTUS FORMWORKS PRIVATE LIMITED VS HARISHCHANDRA BUILDERS PRIVATE LIMITED
UNDER SECTION	IBC UNDER SEC 9

Counsel / Authorized Representative appeared through video conference:

ORDER

1. No representation on behalf of the Operational Creditor. Ld. Counsel for the Corporate Debtor present.
2. In this matter, the amount claimed to be in default is Rs. 14.27 lakhs approximately, which is below the threshold limit of one crore specified in section 4 as amended on 25.03.2020.
3. Therefore, in terms of the Order dated 25.10.2021 in Company Appeal (AT) (Insolvency) No. 813 of 2021 (Jumbo Paper Products Vs. Hansraj Agrofresh Pvt. Ltd.) passed by the Hon'ble NCLAT, this Petition is not maintainable.
4. Additionally, we observe that the invoices presented are between March, 2017 and November, 2017. No material has been placed before us that saves limitation for the purpose of IBC. On this ground also the present Petition is hit by Section 3 of the Limitation Act, 1963.
5. In view of the above, C.P. (IB)/77(KB)2022 is dismissed as not maintainable. The petitioner is, however, at liberty to pursue remedies as may be available to it under any other law.

**Balraj Joshi
Member (Technical)**

**Rajasekhar V.K.
Member (Judicial)**