

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P.(IB) No.10/BB/2017
U/s 9 of IBC, 2016
R/w Rule 6 of I&B (AAA) Rules, 2016

In the matter of:

M/s.Flight Raja Travels Private Limited

Magnolia Block B Level 4,
Manyata Embassy Business Park,
Outer Ring Road, Nagawara,
Bangaluru – 560 045.

- Petitioner/Operational Creditor

Versus

M/s.Air Pegasus Private Limited

No.22 & 23, 3rd Main,
Airview Colony, Hal P.O.,
Bangalore – 560 017.

- Respondent/Corporate Debtor

Date of Order: 23rd August, 2019

Coram: 1.Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Dr. Ashok Kumar Mishra, Member (Technical)

Parties/Counsels Present:

For the Petitioner : Ms. S. Indhubala

For the Respondent : Shri K.S. Vadivelu with
Shri Shyson Thomas MD of the Company

ORDER

Per: Dr. Ashok Kumar Mishra, Member (T)

1. C.P.(IB)No.10/BB/2017 is filed by M/s.Flight Raja Travels Private Limited (hereinafter referred to as 'Petitioner/Operational Creditor') under Section 9 of the IBC, 2016 read with Rule 6 of the I&B (Application to Adjudicating Authority) Rules, 2016, by inter alia seeking to initiate Corporate Insolvency Resolution Process in respect of M/s.Air Pegasus Private Limited (hereinafter referred to

as 'Respondent/Corporate Debtor') on the ground that it has committed default for a total outstanding amount of Rs.36,06,929/- (Rupees Thirty Six Lakhs Six Thousand Nine Hundred Twenty Nine Only) along with the interest at the rate of 18% per annum.

2. The case was listed for admission on various dates viz. 03.04.2017, 13.04.2017, 26.04.2017, 15.06.2017, 12.07.2017, 21.08.2017, 14.09.2017, 04.10.2017, 20.10.2017, 23.11.2017, 21.12.2017, 19.01.2018, 19.02.2018, 13.03.2018, 26.03.2018, 12.04.2018, 04.05.2018, 07.06.2018, 12.07.2018, 03.08.2018, 06.09.2018, 26.09.2018, 19.11.2018, 24.10.2018, 17.12.2018, 31.12.2018, 21.01.2019, 05.02.2019, 21.02.2019, 12.03.2019, 18.03.2019, 21.03.2019, 04.06.2019, 06.06.2019, 24.06.2019, 08.07.2019, 09.07.2019, 16.07.2019, 31.07.2019, 01.08.2019 & 23.08.2019. The case stands adjourned on those dates due to various reasons at the request of the parties for completion of the pleadings, to settle the issue, etc.

3. Heard Ms. S. Indhubala, learned Counsel for the Petitioner and Shri K.S. Vadivelu, and learned Counsel for the Respondent and Shri Shyson Thomas, Managing Director of the Respondent Company.

We have carefully perused the pleadings of both the parties and extant provisions of the Code.

4. Since C.P.(IB)No.180/ BB/2018 filed by Skyways Technics A/s is admitted vide order dated 23.08.2019 by initiating the CIRP and appointed Ms.Shirley Mathew having Registration No.IBBI/IPA-001/IP-P01043/2017-18/11716 as the Interim Resolution Professional, moratorium etc., in respect of the same Corporate Debtor, namely M/s.Air Pegasus Private Limited, the instant Company Petition is not maintainable. Therefore, the Petitioner



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can approach the IRP appointed in C.P.(IB)No.180/BB/2018 for its claim in respect of the Corporate Debtor herein.

5. In the result, C.P.(IB)No.10/BB/2017 is disposed of by permitting the Petitioner to make its claim before Ms. Shirley Mathew, IRP appointed in C.P.(IB)No.180/BB/2018 vide order dated 23.08.2019, within a period of two weeks from the date of receipt of copy of the order, and thereafter, the IRP is directed to consider the claim of the Petitioner, in accordance with law and communicate decision taken on it, to the Petitioner immediately thereafter. No order as to costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

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