

**IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI (COURT NO. IV)**

Company Petition No. IB-3505/ND/2019

(Under Section 9 of the Insolvency and Bankruptcy Code, 2016 Read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016)

IN THE MATTER OF:

M/s. FONE TOOLS PVT. LTD.

...Applicant/Operational Creditor

VERSUS

M/s. EXCLUSIFE TECHNO SOFT

PRIVATE LIMITED

...Respondent/Corporate Debtor

Order delivered on 28.09.2020

CORAM:

DR. DEEPTI MUKESH

HON'BLE MEMBER (Judicial)

SHRI HEMANT KUMAR SARANGI

HON'BLE MEMBER (Technical)

For the Applicant : Mr. Nikhil Palli, Advocate

For the Respondent: Mr. Nakul Sachdeva, Mr. Damandeep S. Bhalla

Advocates.

ORDER

SHRI. HEMANT KUMAR SARANGI, MEMBER (T)

This order shall dispose of (IB)-3505/(ND)/2019.

The necessity of going into the merit of the claim made by the petitioner in above mentioned petition is obviated because in respect of the Corporate Debtor we have admitted another petition namely M/s. Gupshup Technology India Pvt. Ltd. Vs. M/s. Exclusife Technosoft Pvt. Ltd., [IB-2694/(ND)/2019], vide order dated 01.09.2020. As per the provisions of Section 11 of the Code, 2016 another Corporate Insolvency Resolution Process cannot be initiated against a corporate debtor that is undergoing a corporate insolvency resolution process. However, it is needless to add, that the petitioners would be entitled to file their claim before the Insolvency Professional, namely Mr. Ashok Kriplani, having registration No. IBBI/IPA-003/IP-N00009/2016-2017/10071, mobile No. 9968489222 and email id ashok.kriplani1956@gmail.com, in accordance with law which shall be duly considered.

The office is directed to communicate a copy of the order to the Interim Resolution Professional, Operational Creditors and the Corporate Debtor immediately.

The above-mentioned petition is disposed of in the above terms.

SDI-

(HEMANT KUMAR SARANGI)
MEMBER (Technical)

SDI-

(DR. DEEPTI MUKESH)
MEMBER (Judicial)