



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT – IV

ITEM No.401
IB/408/ND/2023

IN THE MATTER OF:

Rec Limited	...	Applicant
Versus		
Sinnar Thermal Power Limited	...	Respondent

Order under Section 7 of IBC, 2016.

Order delivered on 09.08.2023

Coram:

Mr. P.S.N. PRASAD,
HON'BLE MEMBER (JUDICIAL)

DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Ramakant Rai, Mr. Varun Kumar Tikamani,
Mr. Saptarshi Chatteerjee & Ms. Drishti Kaushil,
Advs.

For the Respondent :

ORDER

Heard the submissions made by the Ld. Counsel for the Financial Creditor. The compliance to order dated 17.07.2023 is taken on record. With regard to the Corporate Debtor, the NCLT passed its order dated 19.09.2022 in the matter of ***M/s Shapoorji Pallonji & Co. Private Limited (Operational Creditor) Vs. M/s Sinnar Thermal Power Limited (Corporate Debtor)*** wherein the Corporate Debtor was subjected to the CIRP and Mr. Adarsh Sharma, was appointed as IRP.

The Ld. Counsel for the Financial Creditor has also apprised us that they have already lodged the claim with IRP appointed in IB/408/ND/2023 but due to stay by Hon'ble NCLAT's order, IRP has not communicated any decision regarding collating their claims and taking the same on record. Therefore, the present Section 7 Application was filed on 28.06.2023. In fact, this kind of practice of filing Section 7 Application after lodging the claim with IRP appointed in the matter itself is not admissible under law. Therefore, present Section 7 Application stands ***disposed of*** in all respects since the claim is already filed with IRP. However, if the CIRP initiated against the Corporate Debtor is terminated for any reasons whatsoever, the Applicant can revive his Section 7 Application before this Adjudicating Authority. This order is dictated in the open Court.

Sd/-

DR. BINOD KUMAR SINHA,
MEMBER (TECHNICAL)

Sd/-

P.S.N. PRASAD,
MEMBER (JUDICIAL)