

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT-II

**6. MA 4032/2019 IA 531/2020 IA 1259/2020 IA 1471/2020
IA 1585/2020 IA 1987/2020 IA 2012/2020 IA 2226/2020
IA 983/2021 IA 1363/2021 IN CP (IB)/2517/MB/2018**

**CORAM: SHRI ASHOK KUMAR BORAH, HON'BLE MEMBER (J)
SHRI SHYAM BABU GAUTAM, HON'BLE MEMBER (T)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON 03.09.2021**

**NAME OF THE PARTIES: - IA 1259/2020 Shanawaz Mulla And
Amir Mulla - Applicant
V/s
S. Gopalakrishnan-Respondent**

**IA 1471/2020 Namrata H Hemrajani ... Applicant
V/s
Monarch Brookfields LLP**

**IA 1585/2020 1. Ganesh Konar
2. Vasanthi Konar..Applicant
V/s
Gopalkrishnan and Anr**

IA 1987/2020 Namrata H Hemrajani ... Applicant

IA 2012/2020 Ayaz Mulla ... Applicant

**IA 2226/2020 Nisha M Chandwani
V/s**

**S. Gopalkrishnan
IN THE MATTER OF
Capri Global Capital Ltd.
V/s
Monarch Brookfield LLP**

Section: 7 and 60(5) of Insolvency and Bankruptcy Code, 2016

ORDER

The matter is taken up through Virtual Hearing (VC).

MA 4032 of 2019:- Counsel, Mr. Kunal Chheda appeared for the Applicant and Counsel, Mr. Amir Arsiwala appeared for the Resolution Professional (RP). The present IA is filed by the RP seeking prayer therein for confirming the name of Authorised Representative namely Mr. Indrajit Mukharjee as the Authorised Representative of the class of creditors “Allottee under a Real Estate Project”. Counsel appearing for the association of the plot purchaser has no objection in allowing the Application. In view of the above submissions **MA 4032 of 2019 is allowed and disposed of.**

IA 1363 of 2021:- Counsel Mr. Amir Arsiwala appeared for the Resolution Professional (RP). The present Application is filed by the RP seeking extension of time [in prayer clause (a)] and exclusions of lockdown period as mentioned in prayer (b) and (c) in the Application. Counsel appearing for the RP has apprised this bench about the progress of the CIRP till date (i.e. 03.09.2021), for the sake of brevity same is not reproduced here. We are satisfied with the submission that the CIRP period needs to be extended. Accordingly, prayer (a) of Applicant is allowed the CIRP period is extended by **90 days from today (i.e. 03.09.2021)**. Further the period consumed during the lockdown period has to be excluded/exempted from counting the period prescribed for completing the process of CIRP as per the *suo moto* decision of Hon’ble Supreme Court in “*Miscellaneous Application No. 665/2021 in SMW(C) No. 3/2020*” by extending/exempting the period from 03.09.2021 till 02.12.2021 and again now until further order. The relevant portion of the Order dated 27.04.2021 is being reproduced herein below:

***“We also take judicial notice of the fact that the steep rise in COVID-19 Virus cases is not limited to Delhi alone but it has engulfed the entire nation. The extraordinary situation caused by the sudden and second outburst of COVID-19 Virus, thus, requires extraordinary measures to minimize the hardship of litigant-public in all the states. We, therefore, restore the order dated 23rd March, 2020 and in continuation of the order dated 8th March, 2021 direct that the period(s) of limitation, as prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings, whether condonable or not, shall stand extended till further orders.*”**

It is further clarified that the period from 14th March, 2021 till further orders shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

We have passed this order in exercise of our powers under Article 142 read with Article 141 of the Constitution of India. Hence it shall be a binding order within the meaning of Article 141 on all Courts/Tribunals and Authorities.”

In the light of the order of the Apex Court this bench is allowed the extension and exclusion of time. With the above observation, last date of completion of CIRP will be 02.12.2021. With the aforesaid observation, the present **IA 1363 of 2021 in CP(IB) 2517 of 2018 is allowed and disposed of.**

Counsel, Mr. Pulkit Sharma appeared for the Applicant in IA 2226 of 2020, Counsel, Mr. Rohit Gupta appeared for the Applicant in IA 531 of 2020 and Counsel, Ms. Simran Kasat appeared for the Financial Creditor. At the request of the Counsels list the matter on **05.10.2021** (high on board). Registry is directed to list the IA 218 of 2021 on the same date (i.e. 05.10.2021).

Sd/-
SHYAM BABU GAUTAM
Member (Technical)

03.09.2021

Sd/-
ASHOK KUMAR BORAH
Member (Judicial)