

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (Court-II)

Company Petition No. (IB)-1119(ND)/2020

IN THE MATTER OF:

Sh. Dinesh Kumar Goel
House No. 449, Ashoka Enclave III
Faridabad Haryana

...Operational Creditor

VERSUS

M/s Nice Projects Limited
C-56A, Kalkaji
New Delhi-110019

...Corporate Debtor

Under Section 9 of the IBC, 2016

Order Delivered on 08.03.2021

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA, HON'BLE MEMBER (JUDICIAL)

SHRI L.N. GUPTA, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner	:	Kartickay Mathur, Advocate
For the Respondent	:	None

ORDER

PER SHRI. L. N. GUPTA MEMBER (T)

The present Petition is filed under the Section 9 of the Insolvency and Bankruptcy Code, 2016 (**'IBC 2016'**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (**'the Rules'**) by Mr. Dinesh Kumar Goel (**'Operational Creditor'**), with a prayer to initiate the Corporate Insolvency Resolution Process against M/s Nice Projects Limited (**'Corporate Debtor'**).

2. The necessity of going into the merit of the claim made by the Petitioner in the above-mentioned Petition is obviated as in respect of the same Corporate Debtor namely, M/s Nice Projects Limited, this Bench has already initiated Corporate Insolvency Resolution Process (CIRP) under the IBC 2016 in the matter of Varun Shuttering Store Vs. M/s Nice Projects Limited in (IB)-3042(ND)2019 vide Order dated 13.02.2020. Mr. Rajinder Kishore Duggal having IBBI Registration No. IBBI/IPA-002/IP-N00271/2017-18/10829 (Mob. No. 9988618660 and Email: Duggal_rk@yahoo.com) was appointed as IRP to manage the CIR process of the Corporate Debtor.



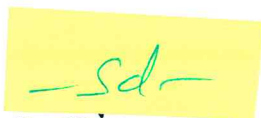
3. As per the provisions contained in Section 11 of the IBC 2016, another CIR Process cannot be initiated against a Corporate Debtor, which has already been undergoing a Corporate Insolvency Resolution Process, which is the case in the present matter.

4. The CIR Process against the Corporate Debtor, M/s Nice Projects Limited having already been initiated in the matter of Varun Shuttering Store Vs. M/s Nice Projects Limited in (IB)-3042(ND)2019 vide Order dated 13.02.2020 by this Tribunal, another CIR process can not be initiated.

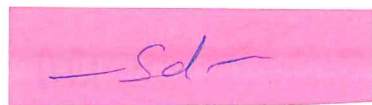
5. **The petition is Dismissed being infructuous.**

6. The Registry is directed to communicate a copy of this Order to the Operational Creditor in the present matter and IRP Mr. Rajinder Kishore Duggal having Registration No. IBBI/IPA-002/IP-N00271/2017-18/10829(Email:Duggal_rk@yahoo.com Mob. No. 9988618660) immediately.

7. It is, however, made clear that if CIR Process initiated in the C.P. No. (IB)-3042(ND)2019 is terminated for any reason, the Petitioner would be at liberty to seek revival of the present Petition.



(L. N. Gupta)
Member (T)



(Abni Ranjan Kumar Sinha)
Member (J)