

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-IV

CP (IB) No.1885/MB.IV/2018

*Under section 9 of the Insolvency and
Bankruptcy Code, 2016*

In the matter of

Solartex India Private Limited
[CIN: U17110GJ1988PTC010580]

...Operational Creditor

Versus

Shri Tradco Deesan Private Limited
[CIN: U15400MH2010PTC203313]

... Corporate Debtor

Order pronounced on : 18.09.2020

Coram:

Mr. Rajasekhar V.K. : Member (Judicial)

Mr. Ravikumar Duraisamy : Member (Technical)

Appearances:

For the Operational Creditor : Mr Sabari Rajan i/b Mr Deepakar
Livingston and Mr Vishal Hegde,
Advocates

For the Corporate Debtor : Mr Mayur Khandeparkar a/w Mr
Ranjeev Carvalho, Ms Riya
Makvana and Ms Ankeeta
Choradia, i/b IC Legal, Advocates

ORDER

Per: Rajasekhar V.K., Member (Judicial)

1. This is a Company Petition filed under section 9 of the Insolvency and Bankruptcy Code, 2016 (IBC) by Solartex India Private Limited [CIN: U17110GJ1988PTC010580] (*Operational Creditor*), a company within the meaning of section 2(20) of the Companies Act, 2013 and represented by its Director, Mr Sameer Agarwal, on the basis of a Board Resolution dated 29.01.2018, seeking to initiate Corporate Insolvency Resolution Process (CIRP) against Shri Tradco Deesan Private Limited (*Corporate Debtor*).
2. *Vide* order dated 16.07.2020 in CP (IB) No.2361/MB.V/2019, this Adjudicating Authority (Court No.5) has already initiated CIRP against the Corporate Debtor and appointed Mr Fanendra Harakchand Munot [Reg. No.IBBI/IPA-001/IP-P00515/2017-2018/10916], having address at Mafatlal House Building (6th Floor), HT Parekh Marg, Backbay Reclamation, Mumbai 400020 [email: fhmunot@gmail.com; Mobile: 7588325800/9822791945] as the IRP in the matter.
3. The present petition has, therefore, become infructuous and the same is hereby dismissed. Liberty is, however, granted to the Operational Creditor to file its claim before the IRP/RP appointed in the matter. Delay, if any, in filing the claim with the IRP/RP is hereby condoned.
4. Ordered accordingly. File be consigned to the record.

Sd/-

Ravikumar Duraisamy
Member (Technical)

Sd/-

Rajasekhar V. K.
Member-(Judicial)