

**NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI BENCH-V**

(IB) 368(ND)/2020

**In the matter of:**

**ADESH AGARWAL**

..... **Financial Creditor**

V/s.

**M/S SERVEL INDIA PRIVATE LIMITED**

.....**Corporate Debtor**

**SECTION: U/S 7 of IBC, 2016**

**Order delivered on: 08.06.2020**

**CORAM:**

**MR. ABNI RANJAN KUMAR SINHA, MEMBER (JUDICIAL)**

**MR. K.K. VOHRA, MEMBER (TECHNICAL)**

For the Petitioner: Mr. Gandharv Anand

For the Respondent:

**ORDER**

**AS PER MR. ABNI RANJAN KUMAR SINHA, MEMBER (JUDICIAL)**

In respect of same corporate debtor, a petition U/S 9 of Insolvency and Bankruptcy Code, 2016 has already been admitted in the matter of Om Logistics Ltd. V/S Servel India Ltd. [(IB)-2728(ND)/2019] vide order dated



08.06.2020. Another Corporate Insolvency Process cannot be initiated against a Corporate Debtor against whom CIRP has already been initiated and an Insolvency Resolution Professional has been appointed. However, it is needless to mention that the petitioner would be entitled to file its claim before the Insolvency Professional namely Mr. Reetesh Kumar Agarwal, an Insolvency Professional, Registration No. IBBI/IPA-001/IP-P00878/2017-2018/11475 email- [carkagarwal@gmail.com](mailto:carkagarwal@gmail.com), in accordance with law which shall be duly considered.

It is made clear that if for any reason the Appellate Tribunal sets aside the order dated 08.06.2020 then the petitioner shall be entitled to file appropriate application for revival of the petition or file a fresh petition.

The petition is dismissed being rendered infructuous with liberty interms of the order.

Sd/-

**K. K. VOHRA**

**Member (T)**

Sd/-

**ABNI RANJAN KUMAR SINHA**

**Member (J)**

08.06.2020