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**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH – I , CHENNAI**

**IA/755/CHE/2021 in IBA/355/2020**

*(filed under Section 12(2) of the Insolvency and Bankruptcy Code,  
2016)*

*In the matter of M/s. Kapico Motors India Pvt. Ltd.*

**Kannan Sambasivam**

Resolution Professional of  
*M/s. Kapico Motors India Private Limited*

*... Applicant/Resolution Professional*

*Order Pronounced on 7<sup>th</sup> September 2021*

CORAM:

**R. SUCHARITHA, MEMBER (JUDICIAL)  
ANIL KUMAR B, MEMBER (TECHNICAL)**

*For Applicant : V. Manivannan, Advocate*

**ORDER**

***Per: R. SUCHARITHA, MEMBER (JUDICIAL)***

The above application has been preferred by the Resolution Professional under section 12(2) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "IBC, 2016") seeking for the following relief;

- (i). *To grant exclusion of 74 days from 21.04.2021 to 04.07.2021 (lockdown period) to continue the Corporate Insolvency Resolution Process.*



*(ii). To pass such other orders as it deems fit in the above circumstances of the case and thus render justice.*

2. It is averred in the application that the Corporate Insolvency Resolution Process (CIRP) was initiated against the Corporate Debtor viz. M/s. Kapico Motors India Private Limited by this Tribunal on 28.01.2021 and the Applicant herein was appointed as the Interim Resolution Professional by this Tribunal.

3. It is stated in the Application that the Applicant received the order of admission by email from the Registry of this Tribunal only on 19.03.2021 and hence the public announcement in respect of initiation of the Corporate Insolvency Resolution Process in respect of Corporate Debtor and calling for submission of claims under Section 15 of IBC, 2016 was made by the Interim Resolution Professional on 22.03.2021. It is stated that the IRP has received 2 claims from the Financial Creditor and the same was admitted by the Applicant and accordingly the IRP had constituted the Committee of Creditors (CoC) and the 1<sup>st</sup> meeting of the CoC was held on 20.04.2021, wherein a resolution was passed unanimously by appointing the Applicant herein as the Resolution Professional in relation to the Corporate Debtor. In the meantime, it was submitted that due to the



second wave of Covid – 19 pandemic the Applicant was unable to carry out the CIRP in relation to the CD and hence the 2<sup>nd</sup> CoC meeting was conducted only on 05.07.2021.

4. It is averred that in the 2<sup>nd</sup> CoC meeting the CoC has passed a resolution to file an application for exclusion of the lockdown period and also approved for the appointment of two IBBI registered valuers to value the assets of the Corporate Debtor. Hence, the Applicant has moved the present Application seeking exclusion from 21.04.2021 to 04.07.2021 from the CIRP timelines.

5. Heard the submission made by the Learned Counsel for the Applicant and perused the records placed on file. In the facts of the present case, it is to be noted that the CIRP in relation to the Corporate Debtor was initiated on 28.01.2021. However, due to second wave Covid-19 pandemic, lockdown was imposed by the State Government and the entire lockdown restrictions to a larger extent were relaxed on 31.07.2021. The Regulator viz. IBBI has introduced an Amendment in the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, so as to exclude the period of lockdown from the CIRP timeline. Regulation 40C of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 states as follows;



**40C. Special provision relating to time-line.**

Notwithstanding the time-lines contained in these regulations, but subject to the provisions in the Code, the period of lockdown imposed by the Central Government in the wake of Covid-19 outbreak shall not be counted for the purposes of the time-line for any activity that could not be completed due to such lockdown, in relation to a corporate insolvency resolution process.

6. Thus, as to the facts of the present case, in view of the reasoning stated supra and also in view of Regulation 40C of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 the period from 21.04.2021 till 04.07.2021 (74 days) is excluded from the period of CIRP timelines. The Applicant shall make every endeavour to complete the CIRP in relation to the Corporate Debtor within the timelines as prescribed under the Code.

7. Accordingly, IA/755/CHE/2021 stands **allowed**.

-sd-  
(ANIL KUMAR B)  
MEMBER (TECHNICAL)

-sd-  
(R. SUCHARITHA)  
MEMBER (JUDICIAL)

*Raymond*