

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 123
(IB)-1980(PB)/2019

IN THE MATTER OF:

Sudhir Singh & Anr.

..... Petitioners/Applicant

v.

KST Infrastructure Pvt. Ltd.

..... Respondents

Under Section 7 of Insolvency and Bankruptcy Code, 2016

Order delivered on 02.09.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner

Mr. Piyush Singh, Mr. Aditya Parolia, Mr. Kumar Pradyuman & Ms. Aditi Sinha, Advs.

For the Respondent

Mr. Sanchar Anand & Mr. Rohan Gupta, Advs.

ORDER

In respect of the same corporate debtor, a petition under Section 7 of Insolvency and Bankruptcy Code, 2016 has already been admitted in the matter of Mrs. Sonia Rani and Ors. v. KST Infrastructure Ltd., [(IB)-1757(PB)/2018] vide order dated 27.03.2019. As per the provisions of Section 11 of the Code, 2016 another Corporate Insolvency Process cannot be initiated against a corporate debtor that is undergoing a corporate insolvency resolution process. However, it is needless to mention that the petitioner would be entitled to file its claim before the Insolvency Professional namely Mr. Sandeep Chandna, with the address A-23, Ground Floor, South City-2, Gurgaon, Registration No. IBBI/IPA-002/IP-N00447/2017-18/11237 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 27.03.2019 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 in terms of the order.

Sd/-

**(M.M.KUMAR)
PRESIDENT**

Sd/-

**(S. K. MOHAPATRA)
MEMBER (TECHNICAL)**

02.09.2019
Ritu Sharma