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**NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH
COURT NO.1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
BENGALURU BENCH, BENGALURU, HELD ON 26.02.2020

CAUSE LIST - 2

PRESENT: 1. Hon'ble Member (J), Shri Rajeswara Rao Vittanala
2. Hon'ble Member (T), Shri Ashutosh Chandra

CP/CA No.	Purpose	Sec	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP(IB) No. 214/BB/2019	For report of RP IA 74/2020, IA 75/2020, IA 76/2020 - CIRP	Sec 9 of I&B Code 2016	M/s Madura Coats Pvt Ltd	Prashanth Jayakumar & another	M/s Unitex Apparels Pvt Ltd	Shri Ratnakar Shetty, RP Sneha Nagaraj for RP

ADVOCATE FOR PETITIONER/s: MAITREYI BHAT

Maitreyi Bhat
9901033710 (Applicant in IA 74; 75; 76)

maitreyi

ADVOCATE FOR RESPONDENT/s:

HARIKRISHNA PRANOD, ADV FOR RESOLUTION PROFESSIONAL

RATNAKAR SHETTY, RESOLUTION PROFESSIONAL



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**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A.No.76/2020 in
C.P (IB)No.214/BB/2019
U/s. 60(5) (c) of the IBC, 2016
R/w Rule 11 of the NCLT Rules, 2016

Between :

M/s. Triburg Sportswear
No.50/8, 1st Floor,
Tolstoy Lane, Janpath,
New Delhi – 110 001.

- Applicant/Financial Creditor

And

Mr. Ratnakar Shetty
Resolution Professional of
M/s. Unitex Apparels Pvt. Ltd.
F507, Mantri Tranquil Apartment,
Gubbalala Gate,
Off Kanakapura Road,
Subramanyapura Post,
Bengaluru – 560 061

- Respondent/RP

Date of Order: 26th February, 2020

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:

For the Applicant : Ms. Maitreyi Bhat

For the Respondent : Shri Harikrishna Pramod with
Shri Ratnakar Shetty, RP



ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. I.A.No.76/2020 in C.P.(IB)No.214/BB/2019 is filed by M/s. Triburg Sportswear ('Applicant/Financial Creditor'), U/s. 60 (5) (c) of the IBC, 2016 R/w. Rule 11 of the NCLT Rules, 2016, by inter-alia seeking to condone the delay of 69 days in filing of Proof of Claim by the Applicant/Financial Creditor with the Respondent/Resolution Professional; and consequently direct the Respondent/Resolution Professional to accept and consider the Claim filed by the Applicant/Financial Creditor in the interest of justice.
2. Brief facts of the case as mentioned in the Application, which are relevant to the issue in question are as follows:
 - (1) The main Company Petition filed by M/s. Madura Coats Private Limited (Petitioner/Operational Creditor) under Section 9 of the IBC, 2016 Read with Rule 6 of the I&B (Application to Adjudicating Authority) Rules, 2016, was admitted by this Adjudicating Authority, vide order dated 29.10.2019 ('Admission Order') by initiating CIRP, appointing Mr. Ratnakar Shetty, as IRP, imposing moratorium, etc. The Interim Resolution Professional caused a Public Announcement in Form-A on 07.11.2019 in Financial Express (English) and Vishwavani (Kannada) and intimated the creditors regarding the Commencement of CIRP against the Corporate Debtor and called upon the creditors to file their claims and the last date for submission of claims on 21.11.2019.



- (2) It is stated that the Applicant is residing at New Delhi and they are not aware of the Public Announcement dated 07.11.2019, which was not published in any English or Hindi newspaper and having wide circulation in Delhi. Therefore, he could not aware of the public notifications. However, on making further inquiries, he came to know that the last date for receipt of the claims from the claimants of the Corporate Debtor was 21.11.2019, which was already elapsed. Therefore, immediately collected all the documents in supports of the claims and thereafter prepared the claim and submitted in Form – C, under Regulation 8 of the IBBI (IRP for Corporate Persons) Regulations, 2016 on 21.01.2020, along with the documents through courier. In this circumstance, there is a delay of 69 days in filing the proof of claims. Therefore, the Applicant seeks condone the delay of 69 days in filing the proof of the claim, and consequently, direct the Resolution Professional to consider her claim in accordance with law.
3. Heard Ms. Maitreyi Bhat, learned Counsel for the Applicant/Financial Creditor and Shri Harikrishna Pramod, learned Counsel for the Respondent/Resolution Professional along with Shri Ratnakar Shetty, learned Resolution Professional. We have carefully perused the pleadings of both the parties and also extant provisions of the Code and Rules made thereunder.
4. As stated supra, as per the public announcement dated 07.11.2019, the last date for receipt of the claims from the claimants of the Corporate Debtor was 21.11.2019. However, the Applicant could not submit the claim on the ground that he is

not aware of the above public announcement. We are convinced with the reasons as furnished by the Applicant for not filing of its claim before the Resolution Professional within a stipulated period of time as per the public announcement. Hence, we are inclined to condone the delay of 69 days in filing the proof of the claims by the Applicant/Financial Creditor and directions to the Resolution Professional to consider the claim as per its merit.

5. In the result, I.A.No.76/2020 in C.P.(IB)No.214/BB/2019 is hereby disposed of with the following directions:

- (1) We hereby condoned the delay of 69 days in filing the proof of the claim by the Applicant/Financial Creditor with the Resolution Professional; and
- (2) Consequently, directed the Resolution Professional to consider the claim as per the merits, and communicate his decision to the Applicant/Financial Creditor within a period of two (2) weeks from the date of receipt of copy of this Order.

(ASHUTOSH CHANDRA)
MEMBER, TECHNICAL

(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A.No.74/2020 in
C.P (IB)No.214/BB/2019
U/s. 60(5) (c) of the IBC, 2016
R/w Rule 11 of the NCLT Rules, 2016

Between :

Mrs. Anuradha Bakshi
W/o. Mr. Tarun Bakshi
No.32, Vasant Marg,
Vasant Vihar,
New Delhi – 110 057

- Applicant/Financial Creditor

And

Mr. Ratnakar Shetty
Resolution Professional of
M/s. Unitex Apparels Pvt. Ltd.
F507, Mantri Tranquil Apartment,
Gubbalala Gate,
Off Kanakapura Road,
Subramanyapura Post,
Bengaluru – 560 061

- Respondent/RP

Date of Order: 26th February, 2020

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:

For the Applicant : Ms. Maitreyi Bhat
For the Respondent : Shri Harikrishna Pramod with
Shri Ratnakar Shetty, RP

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. I.A.No.74/2020 in C.P.(IB)No.214/BB/2019 is filed by Mrs. Anuradha Bakshi ('Applicant/Financial Creditor'), U/s. 60 (5) (c) of the IBC, 2016 R/w. Rule 11 of the NCLT Rules, 2016, by inter-alia seeking to condone the delay of 69 days in filing of Proof of Claim by the Applicant/Financial Creditor with the Respondent/Resolution Professional; and consequently direct the Respondent/Resolution Professional to accept and consider the Claim filed by the Applicant/Financial Creditor in the interest of justice.
2. Brief facts of the case as mentioned in the Application, which are relevant to the issue in question are as follows:
 - (1) The main Company Petition filed by M/s. Madura Coats Private Limited (Petitioner/Operational Creditor) under Section 9 of the IBC, 2016 Read with Rule 6 of the I&B (Application to Adjudicating Authority) Rules, 2016, was admitted by this Adjudicating Authority, vide order dated 29.10.2019 ('Admission Order') by initiating CIRP, appointing Mr. Ratnakar Shetty; as IRP, imposing moratorium, etc. The Interim Resolution Professional caused a Public Announcement in Form-A on 07.11.2019 in Financial Express (English) and Vishwavani (Kannada) and intimated the creditors regarding the Commencement of CIRP against the Corporate Debtor and called upon the creditors to file their claims and the last date for submission of claims on 21.11.2019.



- (2) It is stated that the Applicant is residing at New Delhi and they are not aware of the Public Announcement dated 07.11.2019, which was not published in any English or Hindi newspaper and having wide circulation in Delhi. Therefore, she could not aware of the public notifications. However, on making further inquiries, she came to know that the last date for receipt of the claims from the claimants of the Corporate Debtor was 21.11.2019, which was already elapsed. Therefore, immediately collected all the documents in supports of the claims and thereafter prepared the claim and submitted in Form – C, under Regulation 8 of the IBBI (IRP for Corporate Persons) Regulations, 2016 on 21.01.2020, along with the documents through courier. In this circumstance, there is a delay of 69 days in fling the proof of claims. Therefore, the Applicant seeks condone the delay of 69 days in filing the proof of the claim, and consequently, direct the Resolution Professional to consider her claim in accordance with law.
3. Heard Ms. Maitreyi Bhat, learned Counsel for the Applicant/Financial Creditor and Shri Harikrishna Pramod, learned Counsel for the Respondent/Resolution Professional along with Shri Ratnakar Shetty, learned Resolution Professional. We have carefully perused the pleadings of both the parties and also extant provisions of the Code and Rules made thereunder.
4. As stated supra, as per the public announcement dated 07.11.2019, the last date for receipt of the claims from the claimants of the Corporate Debtor was 21.11.2019. However, the Applicant could not submit the claim on the ground that she is

not aware of the above public announcement. We are convinced with the reasons as furnished by the Applicant for not filing of its claim before the Resolution Professional within a stipulated period of time as per the public announcement. Hence, we are inclined to condone the delay of 69 days in filing the proof of the claims by the Applicant/Financial Creditor and directions to the Resolution Professional to consider the claim as per its merit.

5. In the result, I.A.No.74/2020 in C.P.(IB)No.214/BB/2019 is hereby disposed of with the following directions:

- (1) We hereby condone the delay of 69 days in filing the proof of the claim by the Applicant/Financial Creditor with the Resolution Professional; and
- (2) Consequently, direct the Resolution Professional to consider the claim as per the merits, and communicate his decision to the Applicant/Financial Creditor within a period of two (2) weeks from the date of receipt of copy of this Order.

(ASHUTOSH CHANDRA)
MEMBER, TECHNICAL

(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A.No.75/2020 in
C.P (IB)No.214/BB/2019
U/s. 60(5) (c) of the IBC, 2016
R/w Rule 11 of the NCLT Rules, 2016

Between :

M/s. Triburg Consultants Private Limited
No.50/8, 1st Floor,
Tolstoy Lane, Janpath,
New Delhi – 110 001. - Applicant/Financial Creditor

And

Mr. Ratnakar Shetty
Resolution Professional of
M/s. Unitex Apparels Pvt. Ltd.
F507, Mantri Tranquil Apartment,
Gubbalala Gate,
Off Kanakapura Road,
Subramanyapura Post,
Bengaluru – 560 061 - Respondent/RP

Date of Order: 26th February, 2020

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:

For the Applicant : Ms. Maitreyi Bhat
For the Respondent : Shri Harikrishna Pramod with
Shri Ratnakar Shetty, RP



ORDER**Per:** Rajeswara Rao Vittanala, Member (J)

1. I.A.No.75/2020 in C.P.(IB)No.214/BB/2019 is filed by M/s. Triburg Consultants Private Limited ('Applicant/Financial Creditor'), U/s. 60 (5) (c) of the IBC, 2016 R/w. Rule 11 of the NCLT Rules, 2016, by inter-alia seeking to condone the delay of 69 days in filing of Proof of Claim by the Applicant/Financial Creditor with the Respondent/Resolution Professional; and consequently direct the Respondent/Resolution Professional to accept and consider the Claim filed by the Applicant/Financial Creditor in the interest of justice.
2. Brief facts of the case as mentioned in the Application, which are relevant to the issue in question are as follows:
 - (1) The main Company Petition filed by M/s. Madura Coats Private Limited (Petitioner/Operational Creditor) under Section 9 of the IBC, 2016 Read with Rule 6 of the I&B (Application to Adjudicating Authority) Rules, 2016, was admitted by this Adjudicating Authority, vide order dated 29.10.2019 ('Admission Order') by initiating CIRP, appointing Mr. Ratnakar Shetty, as IRP, imposing moratorium, etc. The Interim Resolution Professional caused a Public Announcement in Form-A on 07.11.2019 in Financial Express (English) and Vishwavani (Kannada) and intimated the creditors regarding the Commencement of CIRP against the Corporate Debtor and called upon the creditors to file their claims and the last date for submission of claims on 21.11.2019.



- (2) It is stated that the Applicant is residing at New Delhi and they are not aware of the Public Announcement dated 07.11.2019, which was not published in any English or Hindi newspaper and having wide circulation in Delhi. Therefore, he could not aware of the public notifications. However, on making further inquiries, he came to know that the last date for receipt of the claims from the claimants of the Corporate Debtor was 21.11.2019, which was already elapsed. Therefore, immediately collected all the documents in supports of the claims and thereafter prepared the claim and submitted in Form – C, under Regulation 8 of the IBBI (IRP for Corporate Persons) Regulations, 2016 on 22.01.2020, along with the documents through courier. In this circumstance, there is a delay of 69 days in filing the proof of claims. Therefore, the Applicant seeks condone the delay of 69 days in filing the proof of the claim, and consequently, direct the Resolution Professional to consider her claim in accordance with law.
3. Heard Ms. Maitreyi Bhat, learned Counsel for the Applicant/Financial Creditor and Shri Harikrishna Pramod, learned Counsel for the Respondent/Resolution Professional along with Shri Ratnakar Shetty, learned Resolution Professional. We have carefully perused the pleadings of both the parties and also extant provisions of the Code and Rules made thereunder.
4. As stated supra, as per the public announcement dated 07.11.2019, the last date for receipt of the claims from the claimants of the Corporate Debtor was 21.11.2019. However, the Applicant could not submit the claim on the ground that he is



not aware of the above public announcement. We are convinced with the reasons as furnished by the Applicant for not filing of its claim before the Resolution Professional within a stipulated period of time as per the public announcement. Hence, we are inclined to condone the delay of 69 days in filing the proof of the claims by the Applicant/Financial Creditor and directions to the Resolution Professional to consider the claim as per its merit.

5. In the result, I.A.No.75/2020 in C.P.(IB)No.214/BB/2019 is hereby disposed of with the following directions:

- (1) We hereby condone^d the delay of 69 days in filing the proof of the claim by the Applicant/Financial Creditor with the Resolution Professional; and
- (2) Consequently, direct the Resolution Professional to consider the claim as per the merits, and communicate his decision to the Applicant/Financial Creditor within a period of two (2) weeks from the date of receipt of copy of this Order.



(ASHUTOSH CHANDRA)
MEMBER, TECHNICAL



(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL