

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
KOLKATA BENCH(Court-II)
KOLKATA**

IA.(IB)No. 764/KB/2023

In

C.P (IB) No.2046/KB/2019

In the matter of

An application under section 60(5) of the Insolvency and Bankruptcy Code, 2016, read with Regulation 40C of the Insolvency Resolution Process for Corporate Persons Regulations, 2016.

And

In the matter of:

Orbit Towers Private Limited

...Financial Creditor

Versus

Sampurna Suppliers Private Limited

...Corporate Debtor

And

In the matter of:

Sudipta Ghosh, Resolution Professional of Sampurna Suppliers Private Limited

... Applicant

Date of hearing :20/04/2023

Order Pronounced on : 12/09/2023

Coram:

Ms.Bidisha Banerjee, Member (Judicial)

Mr.Balraj Joshi, Member (Technical)

Counsels appeared through Physically/ Video Conference

Mr.Shaunak Mitra,Adv.] For R-3 in IA /1137/2022
Mr.Sayak Chakraborty, Adv.]
Mr.Kaushik Banerjee,Adv.] For Applicant in IA 356/2023
Ms.Rashmita Sen,Adv.]
Mr.Sourojit Dasgupta, Adv.] For the RP
Mr.Aniket Chaudhury,Adv.]
Mr.Sudipta Ghosh,RP]in person
Mr.Atul Sureka, Adv.]
Mr.Kuldip Mallick,Adv.]

ORDER

Per: Balraj Joshi , Member (Technical)

1. **IA (IBC)/764/KB/2023**, is an application filed by the RP under section 60(5) of the IBC,2016 seeking exclusion of time for 60 days from 23rd January, 2023 to 23rd March, 2023.
2. The grounds for the reliefs have been stated at page 5 and 6, and it appears that exclusion has been necessitated mainly due to the delay in getting information from the suspended Board of Directors.
3. Further by an order dated 27/02/2023, this Adjudicating Authority had condoned the delay of one of the Operational Creditor in lodging its claim. The verification thereof also took some time. As such, in the process 270 days of the Corporate Insolvency Resolution Process expired.
4. The matter was placed before the CoC in the 7th meeting, who have unanimously decided to ask for exclusion of 60 days particularly in view of the fact that one EoI has already been received and the prospective resolution applicant is in the process of submitting the plan. Accordingly, an exclusion as above has been sought.
5. We are conscious of the fact that this exclusion would extend the CIRP process

beyond 270 days but shall even then be within 330 days and in view of the fact that there is fair chance of resolution of the Corporate Debtor by way of a resolution plan, we grant the aforesaid exclusion from 23rd March, 2023 till 22nd May, 2023. The RP shall make best efforts to complete the CIRP within this enlarged time.

6. With these directions **IA (IBC)/764/KB/2023** is allowed and disposed of.
7. The Registry is directed to send e-mail copies of the order forthwith to all the parties for information and for taking necessary steps.
8. Certified copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

(Balraj Joshi)
Member (Technical)

(Bidisha Banerjee)
Member (Judicial)

Order signed on 12/09/ 2023.

PJ