

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

C.P. (IB) No.63/BB/2019
U/s 9 of IBC, 2016
R/w Rule 6 of I&B (AAA) Rules, 2016

In the matter of:

M/s. Sugam Parivahan Pvt. Ltd.
No.2, 1st Floor, 1st 'A' Main Road,
Sudhama Nagar,
Bangalore – 560 027. - Petitioner/Operational Creditor

Versus

M/s. SA Rawther Spices Pvt. Ltd.
No.17, 4th Main, 4th Block,
Goraguntepalya,
New Ring Road,
Bangalore – 560 022. - Respondent/Corporate Debtor

Date of Order: 21st August, 2019

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Dr. Ashok Kumar Mishra, Member (Technical)

Parties/Counsels Present:

For the Petitioner : Ms. Sangeetha M.S., Advocate
For the Respondent : Shri Markanda Setty, Advocate

ORDER

Per: Dr. Ashok Kumar Mishra, Member (Technical)

1. C.P. (IB) No.63/BB/2019 is filed by M/s. Sugam Parivahan Private Limited (hereinafter referred to as 'Petitioner/Operational Creditor') under Section 9 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, by inter alia seeking to initiate

Corporate Insolvency Resolution Process (CIRP) in respect of M/s.SA Rawther Spices Pvt. Ltd. (hereinafter referred to as 'Respondent/Corporate Debtor') on the ground that it has committed default for a total outstanding amount of Rs.14,19,259/- (Rupees Fourteen Lakhs Nineteen Thousand Two Hundred and Fifty Nine Only) inclusive of interest.

2. The case was listed for admission on various dates viz. 01.02.2019, 06.03.2019, 20.03.2019, 15.04.2019, 01.05.2019, 03.06.2019, 20.06.2019, 01.07.2019, 31.07.2019 and 07.08.2019. The case stands adjourned on those dates due to various reasons at the request of the parties for completion of the pleadings, etc.
3. Heard Ms.Sangeetha M.S., learned Counsel for the Petitioner and Shri Markanda Setty, learned Counsel for the Respondent. We have carefully considered the pleadings of both the parties and extant provisions of the Code.
4. Since this Adjudicating Authority has admitted C.P. (IB) No.159/BB/2019 vide order dated 21.08.2019 by initiating the CIRP and appointed Ms.Subramaniam Aneetha having Registration No.IBBI/ IPA-001/IP-P00376/2017-18/10633 as the Interim Resolution Professional, moratorium etc., in respect of the same Corporate Debtor namely M/s.SA Rawther Spices Private Limited, the instant Company Petition is not maintainable. Therefore, the Petitioner can



approach the IRP appointed in C.P. (IB) No.159/BB/2019 for its claim in respect of the Corporate Debtor herein.

5. In the result, C.P. (IB) No.63/BB/2019 is disposed of by permitting the Petitioner to make its claim before Ms.Subramaniam Aneetha, IRP appointed in C.P. (IB) No.159/BB/2019 vide order dated 21.08.2019, within a period of two weeks from the date of receipt of copy of the order and thereafter, the IRP is directed to consider the claim of the Petitioner, in accordance with law and communicate her decision to the Petitioner immediately thereafter. No order as to costs.



(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL



(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

Krishna