

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, BENCH**

**IA No.455 of 2020
In CP (IB) No. 652/7/HDB/2018
Under Section 12 and 60(5) of the IB Code, 2016.**

**In the matter of
M/s. SQL Star International Limited**

Mr. Sunit Jagadishchandra Shah,
Resolution Professional of
M/s. SQL Star International Limited,
303-3rd Floor, Abhijeet 1, Mithakali Six Roads,
Navrangpura, Ahmedabad – 390 009.

... Applicant/
Resolution Professional

Date of Order: 04.08.2020.

Parties/counsels present:

For the Applicant/
Resolution Professional : Mrs. M. S. Mano Ranjani, counsel.

Per. K. Anantha Padmanabha Swamy, Member Judicial

ORDER

1. The present Application bearing IA No. 455 of 2020 in CP (IB) No.652/7/HDB/2018 is filed by Resolution Professional (RP) under section 12 and 60(5) of the IB Code, 2016, inter-alia, seeking extension of time for completion of Corporate Insolvency Resolution Process (CIRP) in the matter of M/s. SQL Star International Limited beyond 180 days by further period of 90 days.
2. Brief facts of the case stated by counsel for the Applicant are as follows:
 - a) That this Adjudicating Authority admitted the Application filed by Financial Creditor i.e., M/s. Thirdwave Mercantile Company Pvt Ltd. under section 7 of the IBC, 2016 vide its order dated

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08.07.2019 in CP (IB) No.652/7/HDB/2018 and appointed Shri. Sunit Jagadishchandra Shah as IRP. Later he was confirmed as RP by CoC in its 1st meeting held on 02.08.2019.

- b) That 2nd and 3rd CoC meeting held on 04.09.2019 and 19.09.2019 respectively. CoC in its 3rd meeting resolved to file an application before this Adjudicating Authority for directions to the Suspended Directors of the Corporate Debtor to co-operate with the RP and to provide necessary documents for discharging his duties.
- c) That in the 4th CoC meeting held on 02.12.2019, the Applicant/RP informed the CoC that he received a resolution plan from one M/s. Infinia Fab India Pvt Ltd (Resolution Applicant) and placed the same before the CoC. However, CoC was of the view that it could be improved and the Resolution Professional informed the same to the Resolution Applicant. The revised resolution plan is awaited from the Resolution Applicant and in view of the same, CoC in its 5th CoC meeting held on 25.12.2019 approved the following resolution to seek extension of CIRP period by 90 days beyond 180 days i.e., 04.01.2020 to 03.04.2020.

“Resolved that the proposed extension of period of CIRP by 90 days and making an application to NCLT, Hyderabad was approved by 100% of the CoC members.”

- d) Accordingly, the Applicant/RP filed the instant Application on 17.01.2020 under the provisions of the IB Code, 2016, but it was

not listed before this Adjudicating Authority and thereafter due to COVID-19 and lockdown, the CIRP has not progressed.

- e) Further Counsel for the Applicant filed an urgent Application bearing IA No.450/2020 under rule 13 of the NCLT Rules, 2016 through email to the Registry on 05.06.2020 to list the instant Application stating that there are few prospective Resolution Applicants who are envisaging interest in submitting the resolution plans. Corporate Debtor is into IT services with three main divisions – Knowledge Services, Enterprise Services and e-Governance. It provides IT education to corporates and individuals even through e-learning portals. It was listed on BSE and in the current situation of heavy demand for e-learning.
- f) Counsel for the Applicant filed a memo dated 30.06.2020, for modification of prayer in the instant Application, inter-alia stating that the Resolution plan dated 13.03.2020 which is submitted by the Resolution Applicant is the improvised resolution plan as required by CoC and interested to takeover the Corporate Debtor at a mutually agreed terms and conditions. To complete the balance formalities and to submit the approved resolution plan to this Adjudicating Authority seeking additional time of 35 days (excluding 01.03.2020 to 04.04.2020) after expiry of lockdown period to complete the CIRP of the Corporate Debtor
- g) Reiterating the above, counsel for the Applicant/RP prayed to allow the instant Application.

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3. RP further submitted that the present Application is *bona-fide* one and the extension sought for is as provided under Section 12(2) of Insolvency and Bankruptcy Code, 2016, and to meet ends of justice. Further, no prejudice will be caused to the Parties herein.
4. Heard and perused the record.
5. In this case, the commencement of CIRP was approved by this Adjudicating Authority's order in CP (IB) No.652/7/HDB/2018 dated 08.07.2019 and 180 days was completed on 04.01.2020. In view of the progress made in the CIRP and 100.00% voting share of the Financial Creditor in favour of the said Resolution passed by the CoC in its 5th meeting held on 25.12.2019, this Adjudicating Authority hereby, grants extension of CIRP period in the matter of M/s. SQL Star International Limited beyond 180 days by a further period of 90 days. However, computation of such extension of time period shall be computed in accordance with the Regulation 40C of IBBI (Insolvency Resolution Process for Corporate Persons) (Third Amendment) Regulations, 2020.
6. Accordingly, this Application bearing IA No.455 of 2020 stands disposed of.

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K. Anantha Padmanabha Swamy
Member Judicial