

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH
(Through web-based video conferencing platform)

ITEM No.08
I.A No. 390/2021, 386/2022, 447/2022
I.A No.448/2022, & 465/2022
CP (IB) No. 31/BB/2021

IN THE MATTER OF:

M.r Anil Kempanna H.P
Vs.
M/s. E Infrastructure &
Entertainment (India) Pvt., Ltd.

... Petitioner

... Respondent

Order under Section 7 of the I & B Code, 2016

CORAM:

Order delivered on 23.11.2022

SH. KISHORE VEMULAPALLI
HON'BLE MEMBER (JUDICIAL)

SH. MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Liquidator	:	Shri Ravindra Beleyur
For R2 in I.A No. 390/2021&	:	
R1 in I.A No. 386/2022	:	Ms. Neha Shetty
For R5 & 6 in I.A No. 386/2022	:	Mr. Saji.P.Jhon

ORDER

I.A. NO. 390/2021

1. Heard Ms. Neha Shetty Learned counsel for the R2 in the I.A. None appeared for R1, 4 & 5.
2. The Learned Counsel for the Respondent No.2 requested time to file Vakalath and objection/reply to the I.A.
3. One week time is granted to the R2 to file their objections duly serving the copy to the otherside. Further, final one week to time is granted to the Respondents No.1, 4 & 5 for filing their replies.
4. On the last date of hearing i.e., 11.10.2022 the Learned Counsel for the R3 was directed to serve the copy of the objection on the otherside, however none appeared for the R3 today.
5. Therefore, the Learned Counsel for the R3 is directed to serve the copy of the objections to the otherside well before the next date of hearing.

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I.A. NO. 386/2022

1. Heard Mr. Ravindra Beleyur, Liquidator and Ms. Neha Shetty Learned counsel for the R1 and Mr. Saji.P.John, Learned Counsel R5 & R6.
2. The Learned Counsel for the R1 submitted that they have filed a Vakalath vide Diary No. 4294 dated 11.10.2022 in respect of Mr. Annayappa Somashekara, in which they have inadvertently mentioned Respondent No.1 as Respondent No.4, therefore, the Learned Counsel requested time to file fresh Vakalath and also objections to the I.A.
3. Two weeks time is granted to the Learned Counsel for the R1 to file a revised/fresh Vakalath and reply, duly serving copy to the otherside.
4. The Learned Counsel for the R5 & R6 undertakes to file Vakalath and requests time to file their objections. Therefore, two weeks time is granted to the R5 & R6 to file objections to the application duly serving copy of the otherside and one week thereafter to the Applicant to file rejoinder if any.
5. On the last date of hearing i.e., 11.10.2022, remaining Respondents were directed to file their replies within three weeks; however the same is not filed. Therefore, two weeks further time is granted to the Respondent No. 2, 3, 4, 7 to 11 to file replies by serving the copy to the otherside, and one week thereafter to file a rejoinder to the Applicant.

I.A. NO. 447/2022

1. This application is filed under Rule 11, 32 & 55 of the NCLT Rules, 2016 r/w Regulation 11 of IBBI (Liquidation Process) Regulations 2016 inter alia seeking to condone the delay of 23 days from 08.05.2022 to 30.05.2022 caused in submission of the claim with the Respondent and further to direct the Liquidator to accept the Applicant's claim on merits.
2. It is submitted that the Liquidator under Regulation 12 of IBBI (Liquidation Process) Regulations, 2016 made out the Public Announcement inviting the claims by stakeholder of the Corporate Debtor on 14.04.2022 in Form B. Further, as per Regulation 16 (1) of IBBI the last date of submission for the claim was 07.05.2022. The Applicant submitted her claim on 30.05.2022 with the delay of 23 days in terms of Regulations 16 (1). The Applicant did not notice the publication inviting the claims from the stakeholders of Corporate Debtor and only on 07.05.2022 came to know about the public announcement and took immediate steps to furnish the claim with the Liquidator. However the Liquidator was unable to process the claim as the due date of submission of the claim had already lapsed. Further it is submitted that the Applicant has filed the claim in Form -C with IRP during the CIRP period for the unsecured debt of Rs. 58,67,398/- and the same has been accepted by the IRP.

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3. Heard Shri Saji.P.John, Learned Counsel for the Applicant and Shri Ravindra Beleyur, the Liquidator.
4. The Liquidator submitted that he has no objection to allow the present application.
5. In view of the above facts and circumstances of the case, the delay of 23 days in filing the claim by the Applicant before the Liquidator/Respondent is hereby condoned and the Liquidator is directed to consider the claim made by the Applicant as per the code and the Regulations.
6. In the result, **I.A No. 447 of 2022** is disposed of.

I.A. NO. 448/2022

1. This application is filed under Rule 11, 32 & 55 of the NCLT Rules, 2016 r/w Regulation 11 of IBBI (Liquidation Process) Regulations 2016 interalia seeking to condone the delay of 23 days from 08.05.2022 to 30.05.2022 caused in submission of the claim with the Respondent and further to direct the Liquidator to accept the Applicant's claim on merits.
2. It is submitted that the Liquidator under Regulation 12 of IBBI (Liquidation Process) Regulations, 2016 made out the Public Announcement inviting the claims by stakeholder of the Corporate Debtor on 14.04.2022 in Form B pursuant to the order dated 07.04.2022. Further, as per Regulation 16 (1) of IBBI the last date of submission for the claim was 07.05.2022. The Applicant submitted his claim on 30.05.2022 with the delay of 23 days in terms of Regulations 16 (1). The Applicant did not notice the publication inviting the claims from the stakeholders of Corporate Debtor and only on 07.05.2022 came to know about the public announcement and took immediate steps to furnish the claim with the Liquidator. However the Liquidator was unable to process the claim as the due date of submission of the claim had already lapsed. Further it is submitted that the Applicant has filed the claim in Form -C with IRP during the CIRP period for the unsecured debt of Rs. 3,40,81,483/- and the same has been accepted by the IRP.
3. Heard Shri Saji.P.John, Learned Counsel for the Applicant and Shri Ravindra Beleyur, the Liquidator.
4. The Liquidator submitted that he has no objection to allow the present application.
5. In view of the above facts and circumstances of the case, the delay of 23 days in filing the claim by the Applicant before the Liquidator/Respondent is hereby condoned and the Liquidator is directed to consider the claim made by the Applicant as per the code and the regulation.
6. In the result, **I.A No. 448 of 2022** is disposed of.

I.A. NO. 465 OF 2022

1. This application is filed by the Liquidator for submission of 2nd Progress report for the period from 01.07.2022 to 30.09.2022

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2. Heard Mr. Ravindra Beleyur, Learned Liquidator.
3. In view of the above, the report is taken on record and **I.A No. 465 of 2022** is allowed and disposed of.
4. List the other I.As and CP on **22.12.2022.**

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(MANOJ KUMAR DUBEY)
MEMBER (TECHNICAL)

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(KISHORE VEMULAPALLI)
MEMBER (JUDICIAL)