



NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1
MUMBAI BENCH

Item No. 22

IA(I.B.C)/4351(MB)2025 in C.P. (IB)/4072(MB)2019

CORAM:

SH. PRABHAT KUMAR **SH. SUSHIL MAHADEORAO KOCHEY**
HON'BLE MEMBER (TECHNICAL) **HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF THE HEARING ON 13.10.2025

NAME OF THE PARTIES: **IDBI BANK LIMITED V/s POWERDEAL
ENERGY SYSTEMS INDIA PRIVATE
LIMITED**

Under Section 7 & 60(5) of the Insolvency and Bankruptcy Code, 2016

ORDER

IA(I.B.C)/4351(MB)2025 in C.P. (IB)/4072(MB)2019

1. Adv. Payoja Gandhi for the Applicant in IA no. 4351 of 2025, Adv. Rohit Gupta, a/w Adv. Gaurav Jalendra on behalf of RP/Respondent are present.
2. This Application is filed by Central Board of Trustees, Employees Provident Fund through Regional PF Commissioner- II, Nashik u/s 60(5) seeking following relief:-
 - a. *Allow the present Application;*
 - b. *Direct the Respondent to admit the entire claim amount of Rs. 1,46,83,909/- (Rupees One Crore Forty-Six Lakhs Eighty-Three Thousand Nine Hundred and Nine only) filed by the Regional Office, Nashik of the Applicant vide its email dated August 23, 2024 outstanding and payable towards the employees' provident fund dues of 5 the Corporate Debtor;*



Applicant, vide claim form dated 22.08.2024, submitted a claim of Rs. 1,46,83,909 based on the following assessment orders issued by it :

- a. Special RRC No. 164 dated 16.07.2024
- b. 7A order dated 28.06.2024
- c. RRC No. 397 dated 04.03.2016
- d. 14B order no. 8 dated 04.04.2014
- e. Special RRC No. 158 dated 30.07.2024
- f. 14B and 7Q order dated 30.07.2024

6. The Respondent Resolution Professional has rejected the claim of the Applicant arising from (i) Special RRC No. 164 dated 16.07.2024, (ii) Special RRC No. 158 dated 30.07.2024, and (iii) 14B and 7Q order dated 30.07.2024 and the Applicant is aggrieved by the non-admission/rejection of its claim of Rs. 82,84,886/- filed with the Respondent on February 27, 2025.
7. It is case of the Applicant that EPFO's claim is legitimate and is comprising of genuine dues payable to the employees of the Corporate Debtor and deserves to be admitted by the Respondent and be paid on priority basis; the act of rejection of the Applicant's claim by the Respondent solely on the round that the assessment of dues under Sections 7Q and 14B of the EPF Act was conducted after initiation of the CIRP is contrary to settled law and defeats the social security objectives of the EPF Act.
8. It is relevant to refer the decision in case of *Employees' Provident Fund v. Jaykumar Pesumal Arlani (RP)*, [\(2025\) ibclaw.in 10 NCLAT](#), wherein it was held that “23.....However, while looking to the expression used in Section 14(1), assessment proceedings before the EPFO, cannot be continued after initiation of CIRP.”
9. It was again reiterated in case of *CA Pankaj Shah v. Employee Provident Fund Organisation (EPFO) and Anr.*, [\(2025\) ibclaw.in 699 NCLAT](#) that “10. The above judgment clearly indicates that after initiation of the CIRP,



no assessment can be initiated or continued against the Corporate Debtor so as to pass any pecuniary liability on the Corporate Debtor. In the present case, the EPFO has made demand on the basis of an alleged inspection report dated 10.05.2023 and assessment order dated 25.09.2023 which both were subsequent to initiation of CIRP on 17.02.2023. When no demand can be made on the basis of any inspection or assessment, we do not find any ground to allow the application IA No.409 of 2024 which was filed by EPFO where direction was sought to allow the entire claim of Rs.1,37,17,837/-.”

10. Accordingly, the demand arising from the Order(s) passed after 10.7.2024 is not maintainable as those order(s) have been passed after commencement of moratorium, which commenced on 11.7.2024. Hence, we do not find any infirmity in the decision of Respondent Resolution Professional in rejecting the claim arising from order(s) passed after 10.7.2024.

11. In terms of the above, IA No.4351 of 2025 is dismissed and disposed of.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

Mohd Sarwar

Sd/-

**SUSHIL MAHADEORAO KOCHEY
MEMBER (JUDICIAL)**