



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

Item No. 103
IB-292(ND)/2017

IN THE MATTER OF:
M/s. ANG Industries Ltd.

...PETITIONER

Section
U/s 10, 13,14 of IB, Code, 2016

Order delivered on 16.09.2022
(Virtual Hearing)

Coram:
SHRI P.S.N. PRASAD, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

For the RPFCA/Appellant
For the Liquidator

:Mr. Shivanath Mahanta, Advocate.
:Mr. Aditya Madaan, Advocate.

ORDER


Comp. Appeal/37/2022.

This is an appeal under Section 42 of the IB Code, 2016 on behalf of the appellant against the decision of the Liquidator. The Learned Counsel for the Appellant is present and argued the matter. The Learned Counsel for the Liquidator is also present.

Upon hearing the arguments of both parties, it is clear that Section 42 of IB Code clearly provides that a creditor may appeal to the Adjudicating Authority against the decision of the Liquidator either accepting or rejecting the claims within 14 days of the receipt of such decision. This application has not in fact been filed within the permissible time of 14 days and is not even supported by a delay condonation application explaining the reasons as to why the application could not be filed within the prescribed statutory period. The

(Meenu)


- Sd -


- Sd -





Counsel for the Liquidator has submitted that the matter is at the stage of passing order on the dissolution application filed by the Liquidator after completion of Liquidation Process and after completion of the distribution of Liquidation Proceeds to all the stakeholders as per their entitlement. It is evident from Annexure P1 that Liquidator had rejected the claim and communicated the same vide letter dated 06.03.2021. It transpires from the Liquidator's letter of rejection of claim that the Employees Provident Fund Organization (EPFO), Noida did not file its claim during the Corporate Insolvency Resolution Period of Corporate Debtor. The Employees Provident Fund Organization (EPFO) Noida filed its claim on 04.12.2020 with the Liquidator after the delay of more than 13 months from the last date of submission of claim prescribed during the CIRP Period. The Liquidator communicated to EPFO, Noida that their claim cannot be accepted at this belated stage as no supporting information/documents break up of the claim has been provided to the Liquidator.

Having regard to the above and having gone through the contents of the application as well as prayers made in the application, this Tribunal is of the view that prayers sought in the application cannot be granted at this stage of the matter when the Liquidation Process has been completed and dissolution application hearing is completed and order in that matter is reserved.

Hence the Comp. Appeal/37/2022 filed by Regional Provident Fund Commissioner, Noida is dismissed without cost.

(Meenu)



A copy of this order may be served on the parties concerned at free of cost.

This order is dictated in the Open Court.

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(Rahul Bhatnagar)
Member (T)

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(P.S.N Prasad)
Member (J)

(Meenu)