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**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

IA/363/CHE/2022 in IBA/1459/2019

(filed under Section 12 (2) of the Insolvency and Bankruptcy Code, 2016)

In the matter of ***Appu Hotels Limited***

Radhakrishnan Dharamrajan

Resolution Professional,
For Appu Hotels Limited,
D-3, Triumph Apartments,
Jawaharlal Nehru Salai,
Arumbakkam,
Chennai – 600 106.

... Applicant

Order Pronounced on **03rd June 2022**

CORAM :

SUCHARITHA R, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)

For Applicant : Mr. T. Ravichandran, Advocate

ORDER

Per: SAMEER KAKAR, MEMBER (TECHNICAL)

This Interlocutory Applications i.e. IA/363/2022 has been filed by the Resolution Professional (RP) of **Appu Hotels Limited** (Corporate Debtor) seeking the following reliefs: -

1. To exclude total no. of 376 days while calculating the CIRP i.e.
 - a. A period of 162 days from 04.02.2021 to 15.07.2021 spent between filing of the Application IA 150 of 2021 in IBA 1459 of 2019 seeking approval of the Resolution Plan and its disposal by this Hon'ble Bench.

b. A period of 214 days from 19.07.2021 to 17.02.2022 lost in the adjudication appeal i.e. Company Appeal 164, 219, 176, 218 of 2021 preferred by the Promoter of the Corporate Debtor before the Hon'ble NCLAT, Chennai.

- 2. Declare that the CIRP of 180th day will be deemed to have completed on 13.05.2022.*
- 3. Grant such other relief which are deemed fit and necessary in the nature and circumstances of the case and thus render justice.*

2. The admission order under Section 7 of Insolvency & Bankruptcy Code, 2016 was passed by this Tribunal in IBA/1459/2019 on 05.05.2020. The Applicant replaced the IRP/RP and was appointed as the RP vide order of this Tribunal dated 2.11.2020.

3. It is stated that the 180th day of CIRP of the corporate debtor ended on 04.11.2020. Vide order dated 23.12.2020 a period of 376 days were excluded from the CIRP. The order was challenged before Hon'ble NCLAT and Hon'ble NCLAT vide order dated 05.05.2021 was pleased to dismiss the appeal.

4. This Tribunal vide order dated 15.07.2021 approved the Resolution Plan submitted by one Mr. M. K. Rajagopalan.



5. Company Appeal (AT) (Ins) 164, 219, 176, 218 of 2021 were preferred by the Promoter and others before the Hon'ble NCLAT, Chennai challenging the order dated 14.07.2021 of this Tribunal. Hon'ble NCLAT vide order dated 17.02.2022 allowed the said appeals by setting aside the resolution plan approved by this Tribunal with the directions to restore the CIRP and directing the Applicant to continue the CIRP from the publication stage of Form G and directed Applicant to place the Promoters settlement proposal before the COC and hold a COC meeting within 15 days from the date of the order for its consideration and voting. Applicant states that the same have been complied with.

6. The Applicant submitted that challenging the order of Hon'ble NCLAT, the Applicant has filed Civil Appeal No. 1756, 1757, 1758 and 1807 of 2022 before the Hon'ble Supreme Court of India. The said Appeals were heard and are reserved for Judgment.

7. It is further submitted that Hon'ble NCLAT in a common order dated 17.02.2022 had observed in the last paragraph that the time taken in appeal may be excluded for computation of CIRP period and hence this IA was filed.

8. Heard the Counsel for the Applicant. Exclusion of CIRP of the Corporate Debtor as prayed in the above IA is granted. Taking into

consideration the exclusion as granted herein CIR period now ends on 13.05.2022.

9. Accordingly, IA/363/CHE/2022 is hereby **allowed**.

- Sd -

- Sd -

SAMEER KAKAR
MEMBER (TECHNICAL)

R. SUCHARITHA
MEMBER (JUDICIAL)