

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/291(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR.
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 07TH DECEMBER, 2022, 10:30 A.M

IN THE MATTER OF	KHATUNARESH IMPEX PRIVATE LIMITED VS JINDAL (INDIA) LIMITED
UNDER SECTION	IBC UNDER SEC 9

Appearances (via video conferencing/physical)

Ms. Ujjaini Chatterjee, Adv. : For Operational Creditor
Mr. Sidhanta Basu, Adv.
Mr. Rajib Ghosh, Adv.

Mr. A. Sinha, Adv. : For Jindal
Mr. Subhasis Dey, Adv.
Mr. Victor Mukherjee, Adv.

ORDER

1. Ld. Counsel for the parties present.
2. This petition has been filed where the principal amount in default is claimed to be 90,60,102/-. Admittedly this amount is below the threshold limit. 15% interest has been claimed over the principal amount. Reliance has been placed on two letters written by Operational Creditor to the Corporate Debtor claiming interest.
3. It is stated since the Corporate Debtor did not dispute, therefore, the presumption is that he accepted this rate of interest and therefore, this the amount of default is over One Crore.
4. It is further stated though not pleaded anywhere there was any verbal assurance given by Corporate Debtor to pay interest @ 15%. We are not satisfied that there was any contract or agreement in any manner for payment of interest at the rate 15% or at any rate between the Operational Creditor and Corporate Debtor.

5. It looks that this amount has been claimed only make it to cross the threshold limit.
This is not a recovery forum. Such kind of petition are purely wastage of time
6. We deem it proper that this petition is liable to be rejected at this stage. This petition is, therefore, **rejected** as not maintainable.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)