Through Videoconference

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT - I, MUMBAI BENCH
***   ***   ***

I.A. No. 2072 of 2020
in
C.P. (IB) No. 3508/MB/2018

1. Ajay Babulal Shah
   96/8, Shatrunjay, 2nd Lane, Mahaveer Nagar, Sangli – 416 410.

2. Sharad Mahadev Jagdale
   PO Yedemachchhindra Taluka Walwa Dist. Sangli.

3. Krishna Baliram Thombare
   Shivaji Nagar, Kora 4 Shirala,
   Sangli – 415 405.

4. Prasad Kumar Dugge
   PO Narsobawadi, Taluka – Shirol,
   Dist. Kolhapur – 416 103.

5. Prakash Sopan Shelke
   Panchsheel, Veenkar Society, Padmavati, Pune 9.

… Applicants

In the matter of:

Suraksha Asset Reconstruction Limited

… Financial Creditor

Versus

Siddharth Milk and Milk Products Private Limited

…Corporate Debtor

Date of Order: 18.12.2020

CORAM:

Hon'ble Janab Mohammed Ajmal, Member (Judicial)

Hon'ble Shri V. Nallasenapathy, Member (Technical)

Appearance:

For the Applicants	:	Mr Rohit Gupta, Counsel with Mr Vinod Kothari, Ms Priyanka Shah, Ms Reshmi Nair, Advocates i/b Apex Law Partners
For the COC	:	Mr Aditya Udeshi, Counsel with Mr Darshan Ashar, Advocate i/b Bathiya Udeshi Advocate

ORDER

Per: Shri. V. Nallasenapathy, Member (Technical)

1. The Company Petition bearing No. 3508 of 2018 filed against the Corporate Debtor under Section 7 of the Insolvency and Bankruptcy Code, 2016 (the Code) seeking initiation of

Corporate Insolvency Resolution Process (CIRP) was admitted by this Tribunal on 26.04.2019.

2. The Applicants herein are the Successful Resolution Applicants in the CIRP. Their Resolution Plan as approved by the Committee of Creditors (CoC) with 82.25% *(wrongly mentioned as 80.35% in the Application)* of voting share was approved by this Tribunal on 03.08.2020.

3. The Applicants are now before us seeking extension of time in implementation of the approved Resolution Plan. The following table shows the Original Schedule for carrying out certain obligations by the Resolution Applicants under the Resolution Plan vis-à-vis the Revised Schedule for completion of those obligations:

Original Schedule		Revised Schedule	
Issuance of NCDs to secured Financial Creditors	90 days from the Effective Date	Issuance of NCDs to secured Financial Creditors	150 days from the Effective Date
Appointment of New Directors	90 days from the Effective Date	Issuance of NCDs to secured Financial Creditors	150 days from the Effective Date
Arrangement of working capital facility of Rs. 5.00 Crore	90 days from the Effective Date	Arrangement of working capital Facility of Rs. 5.00 Crore	180 days from the Effective Date
Issuance of fresh Equity	90 days from the Effective Date	Issuance of fresh Equity	120 days from the Effective Date

• Re-constitution of Board of Directors • Setting up of management team and control systems • Completion of Definitive Documents • Identification of contractors and execution of documents	3 Months from Closing Date	• Re-constitution of Board of Directors • Setting up of management team and control systems • Completion of Definitive Documents • Identification of contractors and execution of documents	6 months from Closing Date
Restarting the factory of the Corporate Debtor	4^{th} Month onwards	Restarting the factory of the Corporate Debtor	9^{th} month onwards

4. The Applicants submit that as per the Resolution Plan the commencement of the implementation of the Resolution Plan is termed as the Closing Date/Effective Date, i.e., 03.08.2020, the date of approval of the Resolution Plan under Section 31(1) of the Code by the NCLT and the obligations of the Resolution Applicants to implement the Resolution Plan shall be from that date.

5. It is submitted that due to the outbreak of the Covid-19 Pandemic, Resolution Applicants are facing various difficulties in implementing the Resolution Plan, as no business is happening in the prevailing scenario. Hence, the Resolution Applicants are seeking extension of timeline for implementation of the Resolution Plan without affecting the nature and character of the Resolution Plan.

6. We have heard the learned Counsel appearing on behalf of Suraksha Asset Reconstruction Limited, one of the Financial Creditors, having 82.25% voting share in CoC and also the beneficiary of the Resolution Plan by way of issuance of NCDs. The learned Counsel expressed 'No Objection' for extension of timeline for the implementation of the Resolution Plan.

7. Thus, considering the facts and circumstances of the case, especially the Covid-19 situation, this Bench is inclined to extend the timeline as indicated in the revised schedule at Para No. 3 *supra*.

8. Accordingly, the Application is allowed as prayed for.

Sd/-	Sd/-
V. Nallasenapathy	Janab Mohammed Ajmal
Member (Technical)	Member (Judicial)

NATIONAL COMPANY LAW TRIBUNAL
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*** *** ***

IA No. 2072/2020
in
CP(IB) No. 3508/MB/2018

Mr. Prakash Sopan Shelke
V/s.
Siddharth Milk and Milk Products Pvt. Ltd

***** *** *****

Dated 18th December, 2020

ORDER

The matter is taken up on VC. Counsel for the Applicant is present. No representation for the Respondent. Orders pronounced vide separate order. The Application is allowed.

Sd/-	**Sd/-**
V. NALLASENAPATHY	**MOHAMMED AJMAL**
Member (Technical)	**Member (Judicial)**