

**IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI
BENCH-VI**

IB-315/ (ND)/2021

(Under Section 9 of the Insolvency and Bankruptcy Code, 2016 Read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016)

IN THE MATTER OF:

M/s Samyak Metals Private Limited

Registered Office at:

441 -8, Second Floor, Katra Nabi Bux,
Sadar Bazar, Delhi- 110006

Also at:

Plot No. 13, Sector 08,
Industrial Area Dharuhera,
Distt. Rewari-123106

...Applicant/Operational Creditor

VERSUS

M/s Kiran Udyog Private Limited

Registered Office at:

27 B/7, New Rohtak Road
New Delhi- 110005

Also at:

Plot No-14, Sector- 3
IMT, Manesar, Gurugram – 122050

IB-315/(ND)/2021



Plot No. 40, Sector- 5
Phase II, Industrial Area Bawal
Rewari, Haryana

Plot No. 47, Gali No. 06
Anand Parbat Industrial Area
New Delhi - 110005

...Respondent/Corporate Debtor

Coram:

SHRI. P.S.N. PRASAD, Hon'ble Member (Judicial)

SHRI. RAHUL BHATNAGAR, Hon'ble Member (Technical)

Counsel for Applicant: Amicus Advocates & Solicitors

Counsel for Respondent: Ms. Ekta Rai

ORDER

Per SH.RAHUL BHATNAGAR, MEMBER (TECHNICAL)

Date 20.12. 2021

This order shall dispose of (IB)-315/ (ND)/2021.

The necessity of going into the merit of the claim made by the petitioner in above mentioned petition is obviated because in respect of the same Corporate Debtor we have admitted another

IB-315/(ND)/2021

 2

petition namely M/s Jaycee Castalloys Private Limited Vs. M/s Kiran Udyog Private Limited, [IB-813/(ND)/2020]. Vide order dated 14.12.2021, the said petition has been admitted and CIRP has been initiated. Therefore, Corporate Insolvency Resolution Process cannot be initiated against a corporate debtor that is undergoing a corporate insolvency resolution process. However, needless to add, that the petitioners would be entitled to file their claim before the Insolvency Professional, namely Mr. Aditya Kumar, (Mobile No-9855400428) Reg. No: IBBI/IPA-001/IPP00338/2017-18/10609, in accordance with law which shall be duly considered.

The registry is directed to communicate a copy of the order to the Interim Resolution Professional, Operational Creditors and the Corporate Debtor immediately.

The above-mentioned petition is disposed of in the above terms.

—Sd—

(RAHUL BHATNAGAR)
MEMBER (TECHNICAL)

—Sd—

(P.S.N. PRASAD)
MEMBER (JUDICIAL)