IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

ITEM No. 10
(IB)-693(PB)/2018

IN THE MATTER OF:

L & T Finance Ltd. .... Applicant/petitioner

Vs.

NSP Hospitech India Pvt. Ltd. .... Respondent

SECTION:
Under Section 7 of Insolvency & Bankruptcy Code, 2016

Order delivered on 08.02.2019

Coram:
CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. PRADEEP R. SETHI
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner(s):- Ms. Amrita Narayan, Mr. Ashwani Rakesh, Advs.
For the Respondent(s):- Mr. Yashraj Singh, Adv. with Mr. Mukesh Kumar Grover, Resolution Professional

ORDER

CA-186(PB)/2019:-

This is an application filed under Section 22 (3) read with Section 60(5) (c) of the Insolvency and Bankruptcy Code, 2016 with a prayer for issuance of directions for continuation of one of the two IRPs. It has been pointed out that against the same corporate debtor namely NSP Hospitech India Private Limited, a petition was admitted on 04.12.2018 by the Second Bench, NCLT as is evident from the order (A-2) i.e. Company Petition No. (IB)-713(ND)/2018 under Section 9 of the IBC. However, on 12.12.2018, the Principal Bench also admitted Company Petition No. (IB)-693(PB)/2018 against the same corporate debtor titled as L & T Finance Limited. V. M/s. NSP Hospitech India Private Limited under Section 7 of the IBC. The later admission could have been avoided had somebody pointed out the factum of admission on 04.12.2018. Through the present

application, the aforesaid peculiar situation has been brought to the notice of the Bench. It is obvious that the IRP appointed in the earlier proceeding namely Mr. Mukesh Kumar Grover Registration No. IBBI/IPA-001/IP-P00383/2017-2018/10640 who has already taken over the affairs of the company, is to continue and the process issued vide order dated 12.12.2018 is deemed to be closed in view of the admission already made on 04.12.2018 in respect of (IB)-713(ND)/2018 (Mehta Tubes Ltd. v. NSP Hospitech India Pvt. Ltd.).

In view of the above, the L & T Finance Limited shall file their claim before the IRP Mr. Mukesh Kumar Grover which shall be considered in accordance with law.

The application stands disposed of.

Sd/-

(M.M.KUMAR)
PRESIDENT

Sd/-

(PRADEEP R. SETHI)
MEMBER(TECHNICAL)

08.02.2019
Aarti Makker