

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

Item No.112 – IA 565 of 2021
Item No.113 – IA 767 of 2021
In
CP(IB) 53 of 2017

Order under Section 7 IBC

IN THE MATTER OF:

ICICI Bank Ltd
V/s
ABG Shipyard Ltd

.....Applicant

.....Respondent

Order delivered on ..28/03/2022

Coram:

Dr.Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Vishal Raval, Adv.
Mr. Ravi Pahwa, Adv.
For the Respondent : Mr. Monaal Davawala, Adv.

ORDER

IA 565 of 2021

Application filed by one of the claimants seeking direction to condone the delay of 192 days in filing the claim before the liquidator. Learned Counsel for the applicant states that the claimant is Operational Creditor. On perusal of application, nowhere copy of claim form submitted to the liquidator is annexed. On query raised by the Bench, Learned Counsel for the applicant states that they have not filed any documents supporting to their claim with the liquidator. It is only after the delay is condoned, he will take instruction to file appropriate documents to be submitted. We fail to understand on what ground applicant seeks condonation of delay without showing any supporting documents for its claim. Learned Counsel Mr. Davawala for the liquidator states that two of the properties of the corporate debtor have been disposed of and distribution has been made to the respective creditors as on date with respect to the amount received. Few other properties are still to be disposed of.

On further going through the application, it is found that details mentioned with respect to payability of the claim as per the applicant is from year 2008 and last communication is of year 2017. Learned Counsel for the applicant states that he needs to take further instruction whether there are further communication to extend the limitation while placing claim before liquidator and seeks further indulgence to grant time. We condone the delay in filing the claim. Appropriate claim form be filed within one week before the liquidator with all the appropriate documents in support of

the claim. Liquidator shall accept the claim and verify the same as per law and take appropriate steps.

Application is allowed and disposed of in terms of above order.

IA 767 of 2021

Order dated 10.01.2022 records that Learned Counsel for both sides made statement that parties are settling the matter. Learned Counsel Mr. Pahwa for the applicant states that process is still on and the bank officials could not give appropriate instructions for filing affidavit in compliance to the said order. As a last chance, one week's time is granted to the applicant to comply with the order, else, application will be considered for disposal.

List on 07.04.2022.

-Sd-

**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

-Sd-

**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**