

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Company Appeal (AT) (Insolvency) No. 97 of 2021**

**In the matter of:**

**JJE Adornment Pvt. Ltd.**

**....Appellant**

**Vs.**

**Pingle Builders Pvt. Ltd. & Anr.**

**....Respondents**

**Present:**

**Appellant: Mr. Shikhar Khare, Advocate.**

**Respondents:**

**ORDER**

**(Through Virtual Mode)**

**16.02.2021:** By virtue of the impugned order dated 11<sup>th</sup> December, 2020, the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench, declined to accept the application of Appellant seeking modification of order dated 19<sup>th</sup> July, 2018, direction in the name of Resolution Professional to abide the terms and conditions of four work orders as also to not take charge or control of the current account operated by the Appellant, particulars whereof are given in the impugned order.

2. While prayer in regard to modification of the order dated 19<sup>th</sup> July, 2018 was declined on the ground that the same related to admission of the Company Petition while Corporate Insolvency Resolution Process (CIRP) against Corporate Debtor has culminated in sending the Corporate Debtor into liquidation, in regard to other two prayers, the Adjudicating Authority was of the view that the CIRP being at an advanced stage and liquidator having been appointed, such prayer could not be entertained. The Adjudicating Authority has made it clear that declining of prayer would not affect the right of the Appellant to approach any other forum for the losses incurred by it.

Contd/-.....

3. After hearing Mr. Shikhar Khare, Advocate representing the Appellant, we are of the considered opinion that the appeal can be disposed off without issuing notice to Respondents. We accordingly dispense with the notice. Since a liquidator has been appointed, under provisions of Section 38 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) it is enjoined upon the liquidator to receive and collect the claims of the creditors within a period of 30 days from the date of commencement of liquidation process. The liquidator, being a quasi-judicial authority, is empowered to admit or reject the claim, in whole or in part and such determination is subjected to appeal under the provisions embodied in Section 42 of the 'I&B Code'. The appeal lies to the Adjudicating Authority i.e. NCLT. In view of these statutory provisions, there is no difficulty in holding that the Appellant would not be precluded from filing its claim before the liquidator. The impugned order cannot be construed to curtail or prejudicially affect this statutory right. In fact, the Adjudicating Authority itself has observed that the Appellant would be entitled to lodge his claim before the Competent Court/ Authority.

4. While declining to interfere with the impugned order which does not suffer from any legal infirmity, we dispose off this appeal in the light of foregoing observations giving liberty to the Appellant to approach the liquidator with its claim within one week from today.

Copy of this order be communicated to the Adjudicating Authority forthwith.

**[Justice Bansi Lal Bhat]  
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]  
Member (Technical)**

**AR/g**