

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 934 of 2020

IN THE MATTER OF:

M/s Dreamz Infra India Ltd.
17/13, G.F., Old Rajinder Nagar,
New Delhi-110060
Through Shri Ashok Kriplani (R.P.)
IIBI/IPA-003/IP-N00009/2016-2017/10071
E-mail: dreamzcirp@gmail.com
Ashok.kriplani1956@gmail.com

...Appellant

Versus

Pratap Chandra Padhy
S/o. Late Biswanath Pathy
House no. 64 Srinivasa Nilaya,
Ground Floor, 3rd cross,
Ashwathnagar, RMV 2nd Stage,
Sanjay Nagar Post, Bengaluru-560094,
E-mail: Pratap626104padhi@gmail.com
Mob: 9845253523

...Respondent

Present: -

For Appellant: Mr. Mahesh chowdhary, Advocate
Mr. Ashok Kriplani (RP).

O R D E R
(Virtual Mode)

24.02.2021 This Appeal has been preferred by M/s Dreamz Infra India Ltd. through Shri Ashok Kriplani (Resolution Professional) being aggrieved and dissatisfied by the order dated 16.09.2020 passed in I.A. No. 308 of 2020 in C.P. (IB) No. 84 /BB/2019 under Section 60(5) of the Insolvency and Bankruptcy Code, 2016, read with Rule 11 and 32 of the NCLT Rules 2016 by the Ld. Adjudicating Authority, National Company Law Tribunal, Bengaluru Bench whereby aforesaid I.A., Ld. Adjudicating Authority have only granted exclusion of time for a period of 68 days i.e. from 25.03.2020 to 31.05.2020 from the statutory period of 180 days Plus 90 days in place of

excluding time period of 195 days from 16th May, 2020 to 16th September, 2020 which was period of Lockdown.

2. The Appeal was heard on 17.02.2021 the Learned Counsel for the Appellant was directed to bring on record any order / circular / notification issued by Govt. of India and State of Karnataka to extend the period of lockdown in a particular area.

3. The Learned Counsel for the Appellant has filed these documents, which is taken on record.

4. Learned counsel for the Appellant while relying on the orders passed by this Appellate Tribunal on 02.11.2020 in Company Appeal (AT) (Insolvency) No. 942 of 2020 'Hemant Sharma, Resolution Professional of Global Softech Ltd.' whereby similar circumstances had arisen, this Appellate Tribunal has granted the exemption period commencing from 25th March, 2020 till 15th September, 2020. Whereby the aforesaid period of 25th March, 2020 till 15th September, 2020 excluded while computing the period of 180 days for the purpose of bringing the 'Corporate Insolvency Resolution Process'. Similar orders have also been passed on 15.12.2020 in Company Appeal (AT) (Insolvency) No. 1067 of 2020 and submitted that the matter was also covered by aforesaid judgments.

5. Learned Counsel for the Appellant submits that Notification issued by Govt. of India at page 25 of the Additional Documents extending the lockdown till 31st August, 2020 the same has followed by Govt. of Karnataka. He further submits that Notification issued by Govt. of India at page 29 of the Additional Documents extending the lockdown period till 30th September, 2020 which has also been followed by Govt. of Karnataka.

6. Learned Counsel for the Appellant submits that the Resolution Professional residing at New Delhi and during this period Bengaluru and New Delhi flight was not in operational.

7. Learned Counsel for the Appellant referred at page 33 of the Additional Documents which is the detail issued by Bengaluru Urban Covid-19 War Room dated 30.09.2020 which shows that number of Containment Zone has increased during this period.

8. After hearing the Appellant and perusal of the record, we found that Ld. Adjudication Authority has not considered these aspects of the matter and rejected the Application for exemption of period of 195 days. We hereby set aside the order dated 16th September, 2020 passed by Ld. Adjudicating Authority, National Company Law Tribunal, Bengaluru Bench.

9. The Appeal stands allowed and further it is directed that period from 15th May, 2020 till 16th September, 2020 be excluded in computing the period of 190 days for the purpose of 'Corporate Insolvency Resolution Process'.

10. The registry is directed to send the copy of this order to Ld. Adjudicating Authority, National Company Law Tribunal, Bengaluru Bench forthwith.

[Justice Anant Bijay Singh]
Member (Judicial)

[Ms. Shreesha Merla]
Member (Technical)

R.N./ nn /