

**SPECIAL BENCH**

**O-103**

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. (IB)/184(KB)2018  
IA/47(KB)2021, IA/1256(KB)2020,  
IA/1257(KB)2020, IA/147(KB)2021,  
IA/70(KB)2021, IA/90(KB)2021,  
IA/143(KB)2021

**Present: Hon'ble Member(J), Shri Rajasekhar V.K.**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 05<sup>th</sup> February, 2021, 10:30 A.M**

Name of the Company	SANGITA FISCAL SERVICES PRIVATE LIMITED Vs. DUNCANS INDUSTRIES LIMITED		
Under Section	IBC under Sec 7		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

**Counsel / Authorised Representative appeared through video conference:**

1. Mr. Arani Guha, Advocate ] For the applicant In IA/90(KB)2021
2. Ms. Minakshi Nag, Advocate ]
3. Ms. Swarupa Ghosh, Advocate ]
  
1. Mr. Rishav Banerjee, Advocate ] For respondent (Garden Manager)  
in IA/143(KB)2021
  
1. Ms. Ashika Daga, Advocate ] For the applicant in IA/1257(KB)2020
  
1. Ms. Manju Bhuteria, Advocate ] For the respondents in IA/47(KB)2021
2. Mr. Sourav Jain, Advocate ]
  
1. Ms. Minakshi Nag, Advocate ] For the applicant In IA/70(KB)2021
2. Ms. Swarupa Ghosh, Advocate ]
  
1. Mr. Dipankar Das, Advocate ] For the RP
2. Ms. Sanjana Nandi

**ORDER**

1. Due to cable fault, the court could not function through videoconferencing mode until 5.20 PM today.
2. Ld. Counsel for the applicant in IA/90(KB)2021 is present. Ld. Counsel for the applicant in IA/143(KB)2021 is present. Ld. Counsel for the applicant in IA/1257(KB)2020 is present. Ld. Counsel for the applicant in IA/47(KB)2021 is present. Ld. Counsel for the applicant in IA/70(KB)2021 is present. Ld. Counsel for the RP is present.

3. **IA/90(KB)2021 and IA/70(KB)2021**

(a) These are applications seeking condonation of delay in filing claim with the RP. Mr. Dipankar Das, Ld. Counsel appearing for the RP submits that RP has no objection, if the prayer of the applicants is allowed.

(b) After hearing the submissions and perusing the applications, this Bench condones the delay in filing claim of the applicants with the RP. The RP shall proceed to collate the claim of the applicants on its merit, uninfluenced by the fact that the delay has been condoned.

(c) Both the IA/90(KB)2021 and IA/70(KB)2021 shall stand disposed of accordingly.

4. **IA/147(KB)2021**

(a) This is an application filed by the RP praying for exclusion of a further period of 91 days from 01/09/2020 to 30/11/2020 on account of nationwide lockdown declared due to COVID-19 pandemic.

(b) Ld. Counsel for the RP submits that the Corporate Debtor was admitted under CIRP vide order dated 05/03/2020 and that an application being IA/1025(KB)2020 has been filed u/s. 60(5) of the Insolvency and Bankruptcy Code, 2016 read with regulation 40C of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for exclusion of the period from 23/03/2020 to 31/08/2020 on account of nationwide lockdown due to COVID-19 pandemic and this Adjudicating Authority had allowed the same accordingly.

(c) Ld. Counsel for the RP further submits that due to uncertainty of the present circumstances with the pandemic has not been favourable for the RP to conduct the CIRP in the manner and within the timeline, as stipulated under the statute. Hence, the applicant has filed the present application for further exclusion of the period of 91 days from 01/09/2020 to 30/11/2020.

(d) I have perused the application and the documents attached therewith and heard the Ld. Counsel appearing for the RP. I am satisfied that the prayer made in the IA should be allowed. Therefore, the period of 91 days from 01/09/2020 to 30/11/2020 shall stand excluded from the CIRP period.

(e) IA/147(KB)2021 shall stand disposed of accordingly.

5. **IA/143(KB)2021**

(a) Mr. Rishav Banerjee, Ld. Counsel for the respondent (Manager-Garden) is present and accepts notice on behalf of the respondent. He seeks some time to file reply to the application. At request, two weeks' time is granted. Copies of the reply shall be served on the Ld. Counsel for the RP and the RP.

(b) List this application on 17/03/2021.

5. **IA/47(KB)2021**

(a) Ms. Manju Bhuteria, Ld. Counsel for the respondents is present and accepts notice on behalf of the respondents. She seeks 4 weeks' time to file reply to the application. At request, four weeks' time is granted. Copies of the reply shall be served on the Ld. Counsel for the RP and the RP.

(b) List this application on 17/03/2021.

6. IA/1256(KB)2020 and IA/1257(KB)2020 shall be tagged along with the other applications on 17/03/2021.

**Rajasekhar V.K.  
Member (Judicial)**