IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 103
IB-1082/PB/2018

IN THE MATTER OF:
Ms. Kiran Malhotra **...PETITIONER**

Vs.

M/s. Alchemist Township India Ltd. **...RESPONDENT**

Section
U/s 7 of IB Code, 2016 **Order delivered on 08.05.2023**
(Virtual Hearing)

Coram:
SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:
For the RP **:**Adv Varsha Banerjee and Karan Grover
For the Respondent/Corporate Debtor **:**

ORDER

IA/2581/2023

The instant application is being filed by the Applicant (Resolution Professional) under section 60(5) r/w Section 12(3) of Insolvency and Bankruptcy Code, 2016 (IBC) read with Rule 11 of the NCLT Rules 2016 and Regulation 40 of IBBI (Insolvency Resolution Process for Corporate Person) Regulations 2016 seeking exclusion of 161 days from the total CIRP period (ending on 21.04.2023) as approved by majority of the members of the Committee of Creditors (CoC) in the 17th Meeting of the CoC held on 15.04.2023.

It is submitted that some applications are pending before the Hon'ble High Court of Delhi arising out of proceeding under the PMLA and due to that reason the present application seeking exclusion of time period of 161 days i.e. w.e.f. 12.11.2022 to 21.04.2023 has been filed. Having heard the submissions made

by Ld. Counsel we direct that the period of 161 days be excluded from the CIRP period from today. IA **disposed** of.

IA/4185/2021

It is submitted by Ld. Counsel for the Applicant that there is an inadvertent error in the order dated 21.04.2023 passed by this tribunal wherein the number of the writ petition pending before High Court of Delhi is wrongly mentioned as 10566/2022 instead of Criminal Misc. Application No. 5231/2022. The Correct order read as followed:-

IA/4185/2021

We have heard the Ld. Counsel for the Applicant as well as Ld. Counsel for the Respondent. It is submitted by the Ld. Counsel that the Writ Petition No. 1389/2017 which has been filed in the Hon'ble Calcutta High Court is still pending and that stay order by the Hon'ble Delhi High Court on 16.09.2021 is still in operation. Mr. Karan Grover, Ld. Counsel for the Resolution Professional has submitted that his client has also filed Writ Petition before the Hon'ble Delhi High Court bearing Writ Petition No. 5231/2022 in the case of Mr. Devendra Singh V/s Enforcement of Director. The Ld. Counsel has submitted that the present matter be adjourned by 8 weeks to await the outcome of the matter pending before the Hon'ble Calcutta High Court as well as Hon'ble Delhi High Court, however the matter is adjourned by 4 weeks. List on ***07.06.2023*** *alongwith all the IAs.*

IA **disposed** of.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Bachu Venkat Balaram Das)
Member (J)

(Annu)