

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI Company

Appeal (AT) (Insolvency) No. 858 of 2020

IN THE MATTER OF:

**Sudip Bhattacharya, Resolution Professional of
Reliance Naval and Engineering Ltd.**

**Present: Mr. Rajshekhar Rao, Mr. Arpan Behl, Mr. Shreeyash U Lalit
and Mr. Dhruvad Vaghani, Advocates for Appellant.**

Mr. Anshul Sehgal and Mr. Sanjeev Kumar, Advocates for CoC.

**ORDER
(Through Virtual Mode)**

08.10.2020: Appellant, Resolution Professional of 'Reliance Naval and Engineering Ltd.' is aggrieved of order dated 20th August, 2020 by virtue whereof the Adjudicating Authority (National Company Law Tribunal) Ahmedabad Bench, Court 2 granted extension of 90 days to the Resolution Professional to complete the Corporate Insolvency Resolution Process (CIRP) beyond 180 days but declined to exclude the lockdown period on the ground that 90 days period of extension was still in hand.

2. After hearing Shri Rajshekhar Rao, Advocate representing the Resolution Professional and Shri Sanjeev Kumar, Advocate representing the Committee of Creditors, we are of the considered opinion that having regard to the imposition of lockdown on account of outbreak of COVID-19 declared as pandemic from 23rd March, 2020 to 29th May, 2020 (Nationwide) and the fact that the State of Maharashtra where the Corporate Office of the Corporate Debtor is stated to be

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located has been worst hit with most of the areas declared Red Zone culminating in extension of lockdown till 31st August, 2020, the hardship was required to be mitigated by allowing the exclusion as prayed for.

3. We allow this appeal by directing that the period of lockdown w.e.f. 25th March, 2020 till 31st August, 2020 shall be excluded while computing the period of CIRP. To avoid any confusion/ambiguity, we make it clear that this direction will not in any case be construed as interference with the extension of 90 days' time granted by the Adjudicating Authority, which shall begin only after expiry of the period of CIRP period of 180 days after excluding the period from 25th March, 2020 upto 31st August, 2020. With these observations the appeal is disposed of.

4. We make it clear that this order will not serve as a precedent in all cases as it has been passed in the peculiar circumstances of instant case.

5. Copy of this order be sent to the Adjudicating Authority for information.

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

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

**[Shreesha Merla]
Member (Technical)**

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