

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/131(KB)2020
IA(I.B.C)/791(KB)2022, IA(I.B.C)/1248(KB)2022,
IA(I.B.C)/1346(KB)2022, IA(I.B.C)/1214(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR.
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 24TH NOVEMBER, 2022, 10:30 A.M

IN THE MATTER OF	ICICI BANK LIMITED VS MCNALLY SAYAJI ENGINEERING LIMITED
UNDER SECTION	IBC UNDER SEC 7

Appearance (via video conferencing/physically)

For the Applicant in IA 791 of 2022

Mr. Tanishq Kashyap, Adv.

For RP

Mr. Jitendra Lohia, CA

Ms. Manju Bhuteria, Adv.

For Successful Resolution Applicant

Mr. Soorjya Ganguli, Adv.

Ms. Pooja Chakrabarti, Adv.

Ms. Kiran Sharma, Adv.

ORDER

1. Learned Counsel for the petitioner present.

IA(I.B.C)/791(KB)2022

2. This is an application filed by the Deputy Commissioner of Commercial Taxes, claiming an amount of Rs. 14,14,857/-.
3. It is also mentioned by the Ld. Counsel appearing for the Deputy Commissioner of Commercial Taxes, Karnatka, that they had lodged the claim with the RP of the Corporate Debtor, however the same has not been entertained by the RP due to delay of filing of claim, which is to the tune of 470 days.

4. Ld. Court for the RP has brought to our notice Annexure 'H' of the application wherein refund of order same amount has been made to the corporate debtor vide order dated 21.06.2022. However, the same has not been deposited by the Department with the RP.
5. Ld. Counsel for the commercial Taxes avers that this amount can be pursued by the RP and got refunded from them.
6. In light of the facts and circumstances as eliminated above hereby condone the delay of as prayed for 407 days and the RP Considered the plan on his merit as per law and also pursue the authorities for refund of this amount as per the notice of refund placed at Annexure -H.
7. IA(I.B.C)/791(KB)2022 accordingly disposed of.

IA(I.B.C)/1248(KB)2022

8. Notice is accepted by respondent reply affidavit be filed within two weeks
9. Ld. Counsel appearing for RP seeking one week time to file supplementary affidavit. Time is granted.
10. Post this IA on 23.12.2022.

IA(I.B.C)/1214(KB)2022

11. Heard in part.
12. at request, post this matter for further arguments on 07.12.2022.

IA(I.B.C)/1346(KB)2022

13. This IA has been filed by RP for taking on record progress report by RP. This IA is supported by an affidavit at page 28.
14. Progress report is taken on record. This IA is accordingly allowed and disposed of.

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)