

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 24
TP (Co. Act.)-11(PB)/2024
Old CP No.594/2012

IN THE MATTER OF:

Grant Thornton Bharat LLP	...	Applicant/Petitioner
Vs		
Resolution Capital Global Pvt Ltd	...	Respondent

Order under Section 433(e)/433(f) of the Companies Act, 1956.

Order delivered on 03.06.2024

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Mr. Syed Sarfaraz Karim, Adv(appearance not marked)
For Respondent :

ORDER

This matter is posted for dismissal today.

On 20.05.2024, we had asked the Ld. Counsel for the applicant to upload Form-1 as prescribed under Rule 4 of The Insolvency & Bankruptcy Code (Application to Adjudicating Authority) Rules, 2016.

Ld. Counsel Mr. Syed Sarfaraz for the petitioner appeared through VC and stated that he is an Operational Creditor and undertakes to file it in an appropriate form and upload it on the DMS/E portal.

At the request, list the matter for a physical hearing **on 31.07.2024** with the same caption of '**list for dismissal**'.

We deem it appropriate to ask IBBI to make a relevant provision in the CIRP regulations to deal with cases pertaining to the winding up of the companies which now have been transferred to this Tribunal under Section 433(1) of the Companies Act, 2013 to be taken up as an application for initiation of CIRP under IBC, 2016.

For the purpose, the Regulations may stipulate that the applicant shall file appropriate Forms i.e. Form- 1 in the case of Financial Creditor under Section 7 of the IBC, 2016, Form – 5 in the case of Operational Creditor under Section 9 of the IBC, 2016 and Form – 6 in the case of Corporate Applicant under Section 10 as prescribed in the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016

The registry is hereby directed to send a copy of this order to the IBBI.

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(RAMALINGAM SUDHAKAR)
PRESIDENT

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(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)