

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Suo Moto, *In re*

BANSI LAL BHAT, ACTING CHAIRPERSON
ANANT BIJAY SINGH, JUDICIAL MEMBER
AND DR. ASHOK KUMAR MISHRA, TECHNICAL MEMBER
COMPANY APPEAL (AT) (INSOLVENCY) NO. 01 OF 2020
MARCH 30, 2020

Section 12 of the Insolvency and Bankruptcy Code, 2016 - Corporate insolvency resolution process - Time-limit for completion of - Whether period of lockdown ordered by Central Government and State Governments including period as may be extended either in whole or part of country, where registered office of corporate debtor may be located, shall be excluded for purpose of counting of period for 'Resolution Process' under section 12 in all cases where 'Corporate Insolvency Resolution Process' has been initiated and pending before any bench of National Company Law Tribunal or in appeal before Appellate Tribunal - Held, yes - Whether further, any interim order/stay order passed by Appellate Tribunal in anyone or other appeal under Insolvency and Bankruptcy Code, 2016 shall continue till next date of hearing - Held, yes [Para 1]

ORDER

Upon requests for urgent listing of cases having been made telephonically to Registrar of this Appellate Tribunal from various persons, who were unable to physically file the same on account of complete lockdown declared by Government with effect from 25th March, 2020, we take suo moto cognizance of the unprecedented situation arising out of spread of COVID19 virus declared a pandemic. Having regard to the hardships being faced by various stakeholders as also the legal fraternity, which go beyond filing of Appeals/ cases, which has already been taken care of by the Hon'ble Apex Court by extending the period of imitation with effect from 15th March, 2020 till further order/s in terms of order dated 23rd March, 2020 in *Suo Motu Writ Petition (Civil) No(s).03/2020*, in as much as certain steps required to be taken by various Authorities under Insolvency and Bankruptcy Code, 2016 or to comply with various provisions and to adhere to the prescribed timelines for taking the 'Resolution Process' to its logical conclusion in order to obviate and mitigate such hardships, this Appellate Tribunal in exercise of powers conferred by Rule 11 of National Company Law Appellate Tribunal Rules, 2016 r/w the decision of this Appellate Tribunal rendered in "*Quinn Logistics India Pvt. Ltd. vs. Mack Soft Tech Pvt. Ltd.* in Company Appeal (AT) (Insolvency) No.185 of 2018" decided on 8th May, 2018 do hereby order as follows: -

- (1) That the period of lockdown ordered by the Central Government and the State Governments including the period as may be extended either in whole or part of the country, where the registered office of the Corporate Debtor may be located, shall be excluded for the purpose of counting of the period for 'Resolution Process' under Section 12 of the Insolvency and Bankruptcy Code, 2016, in all cases where 'Corporate Insolvency Resolution Process' has been initiated and pending before any Bench of the National Company Law Tribunal or in Appeal before this Appellate Tribunal.
- (2) It is further ordered that any interim order/ stay order passed by this Appellate Tribunal in anyone or the other Appeal under Insolvency and Bankruptcy Code, 2016 shall continue till next date of hearing, which may be

notified later.

A copy of this order be communicated to Registrar of National Company Law Tribunal, New Delhi with a request to circulate the same to all Benches of NCLT across the country including the Principal Bench based at Delhi.

A copy of this order be also communicated to Secretary, Ministry of Corporate Affairs, New Delhi for information and compliance by various Authorities under its control.