

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency)No. 528-529 of 2019

IN THE MATTER OF:

ASREC (India) Ltd.

.....Appellant

Vs.

Divyesh Desai

.....Respondent

Present :

For Appellant:

**Mr. Saurabh Jain with Mr. Siddharth Jain,
Advocates**

O R D E R

17.07.2019 - In the ‘Corporate Insolvency Resolution Process’ against ‘Precision Fasteners Ltd.’, the liquidator filed an application seeking direction to modify / add the list of stakeholders dated 08.06.2018 under Regulation 31(3) of the Liquidation Process Regulations, 2016 in light of additional information / clarifications received from the stakeholders after submission of list of stakeholders dated 8th June, 2018 before the Tribunal.

2. It was informed that additional claim has been received from two ‘Financial Creditors’ namely ‘United India Insurance Co. Ltd.’ and ASREC Ltd. (Appellant herein). The claim amounting to Rs. 43,35,18,103/- was filed by ‘United India Insurance Co. Ltd.’ which on verification was found to be 39,27,20,326.94. It was further informed that liquidator received claim of Rs. 1,45,72,76,000/- could be taken up from record.

3. The Adjudicating Authority (‘National Company Law Tribunal’) Mumbai Bench taking into consideration the aforesaid fact in the interest of justice allowed the application preferred by liquidator to include the claim of ‘United India Insurance Co. Ltd.’ and ASREC Ltd. (Appellant herein) and impose the cost on both of them.

...contd.

4. The cost of Rs. 25 lakhs have been imposed on the Appellant for payment in the 'Prime Minister's Relief Fund' by impugned order dated 28th March, 2019.

5. The grievance of the Appellant is with regard to imposition of the cost as according to Counsel which was uncalled for.

6. The liquidator appearing in person submits that there is nothing wrong with regard to imposition of cost.

7. We have heard learned counsel for the Appellant and being satisfied with the ground that reason for filing late claim, we are of the view that it is not a fit case for any cost on the Appellant. Therefore, last para of the impugned order dated 28th March, 2019 by the Adjudicating Authority imposition of cost of Rs. 25 lakhs on the Appellant is set aside.

8. So far as last para is concerned, we are not expressing any opinion for imposition of cost on the 'United India Insurance Co. Ltd.' in the absence of any merit in the appeal preferred by it.

The appeal is allowed with the aforesaid observation.

[Justice S. J. Mukhopadhaya]
Chairperson

[Kanthi Narahari]
Member (Technical)

ss/sk