

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)
Company Appeal (AT) (CH) (Ins) No. 447/2024
(IA Nos.1224, 1226 & 1225/2024)

In the matter of:

**S Arun, Suspended Director of
Sargam Metals Pvt. Ltd.**

...Appellant

V

**Neeraj Agarwal, Proprietor of
Ambal Agencies & Anr.**

...Respondents

Present :

For Appellant : Mr. Anirudh A Sriram, Advocate

For Respondents : Mr. Varun Srinivasan, Advocate for R2

ORDER
(Hybrid Mode)

11.12.2024:

The challenge by the Appellant is to the Impugned Order dated 28.11.2024, which has been rendered by the NCLT, Chennai Bench in CP No.211/(CHE)/2022, by virtue of which Section 9 application which has been preferred by Respondent No.1, the Operational Creditor has been allowed and M/s. Sangam Metals Pvt. Ltd., the Corporate Debtor (CD) has been admitted into the CIRP Proceedings.

The Learned Counsel for the Appellant has submitted that the aforesaid Section 9 application will be barred by limitation, even after taking into account, the extension of the limitation period based on the Judgment as rendered by the Hon'ble Apex Court, in Suo Motu Writ Petition No.3/20, owing to the Covid-19 situation. The matter requires scrutiny as to whether the period of limitation has to be determined under Clause III and Clause IV of the aforesaid Judgment of 10.01.2022.

Let notice be issued to Respondent No.1. Notice on behalf of Interim Resolution Professional (IRP) has been accepted by Mr. Varun Srinivasan. The Appellant will supply the email address as well as the WhatsApp number of the Respondent No.1 and will also ensure to take steps to serve notice on Respondent No.1, by the aforesaid mode and will also serve notice on Respondent No.1, by way of registered post within a period of three days from today.

List after service of notice on the Respondents. List this Appeal on **24.01.2025**, under the caption, 'For Admission (After Notice)'.

For a period of one month only, the Resolution Professional is refrained from proceeding in the matter, as a consequence of the impugned Judgment.

[Justice Sharad Kumar Jain]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

VG/TM/MS