

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal(AT) (Insolvency) No. 571 of 2022**

IN THE MATTER OF:

Goltens India Pvt. Ltd.

...Appellant

Versus

**Sudip Bhattacharya, Insolvency Resolution
professional of Reliance Naval and
Engineering Ltd.**

...Respondent

Present:

**For Appellant : Mr. Adarsh Tripathi and Mr. Vikram Singh Baid,
Advocates**

For Respondent : Ms. Preachi Johri, Advocate.

O R D E R

16.08.2022 Heard learned Counsel for the Appellant as well as learned Counsel for the Respondent.

2. This appeal has been filed against an order dated 30.03.2022 in so far as I.A. No. 135 of 2021 filed by Appellant has been disposed of. CIRP against Corporate Debtor commenced on 15.01.2020. The Appellant in the CIRP has filed his claim on 29.09.2020. The Appellant had filed a Commercial Suit bearing No. COMS/1218/2019 before Bombay High Court for recovery of outstanding amount from the Corporate Debtor, which Suit is still pending. The Resolution Professional has accepted the claim of the Appellant as 'Contingent Claim'. Resolution Plan was approved by the CoC where a sum of Re. 1 was earmarked to the claim of the Appellant as a contingent claim. I.A. No. 135 of 2021 was filed by the Appellant before the Adjudicating Authority seeking direction against the Resolution Professional for rejecting his claim and

also to include the name of the Applicant in the list of the creditors of the Corporate Debtor.

3. It has been submitted by the learned Counsel for the Resolution Professional that during pendency of the I.A., on direction of the Adjudicating Authority, the claim was re-verified and additional documents were filed brining on record before the Adjudicating Authority that the claim of the Appellant was admitted as a 'Contingent Claim'. This is also reflected in the Resolution Plan.

4. Adjudicating Authority in the impugned order has noticed the aforesaid facts:

..... "Learned Senior Counsel Mr. Pahwa states that in reply page No. 24, the e-mail communication sent to the Applicant on 16.03.2021, the RP has mentioned that in the light of the pendency of the suit being COMS/1218/2019 before the Hon'ble Bombay High Court, the said amount claimed by the Applicant will be treated as contingent claimed until any judgment pronounced in the said suit, but admitting nominal amount of INR 1 as the claim of Applicant which is reflected on the website, in view of above, we consider that nothing survives in this Application." ...

5. The Adjudicating Authority having already observed and noticed that the claim of the Applicant is to be treated as contingent till the judgment is pronounced in the suit, the claim shall remain contingent.

6. We see no reason to take any other view of the matter. In the event the suit of the Appellant is decreed, the claim being contingent, the Appellant shall be entitled claim from the Successful Resolution Applicant.

With these observations, the Appeal is disposed of.

(Justice Ashok Bhushan)
Chairperson

(Justice M. Satyanarayana Murthy)
Member(Judicial)

(Mr. Barun Mitra)
Member(Technical)

Akc/Nn.