

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT – 2

ITEM No.302

IA/1219(AHM)2024 in CP(IB) 132 of 2020

Proceedings under Section 60(5) of IBC r.w Rule 11 of NCLT Rules,2016

IN THE MATTER OF:

M/s.Rajput & Sons Through Proprietor Shailendra Singh

.....Applicant

Rajput

V/s

.....Respondent

M/s.Manpasand Beverages Limited

Order delivered on: 14/07/2026

Coram:

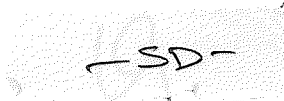
Mrs. Chitra Hankare, Hon'ble Member(J)

Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

ORDER

This case is fixed for pronouncement of order

The order is pronounced in open court vide separate sheet.



DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)



CHITRA HANKARE
MEMBER (JUDICIAL)

AD/AP

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH (COURT-II)**

**INTERLOCUTORY APPLICATION NO. 1219 OF 2024
IN**

CP (IB) No. 132 OF 2020

*(APPLICATION UNDER THE SECTION 60(5) OF INSOLVENCY
AND BANKRUPTCY CODE, 2016, R/W RULE 11 OF NCLT
RULES, 2016)*

IN THE MATTER OF:

Shailendra Singh Rajput

Proprietor - Rajput & Sons
Having their registered office at
Plot No. C-406, Pramukh Residency,
Vapi Daman Road, Chala Vapi,
Gujarat 396195

....Applicant
(Operational Creditor)

Versus

Manpasand Beverages Ltd.

Having their registered office at
1768 & 1774/1, GIDC Estate,
Village Manjusar, Savli Road,
Vadodara, Gujarat 391775

...Respondent
(Corporate Debtor)

Order pronounced on 14.07.2026.

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Coram:

MRS. CHITRA HANKARE
HON'BLE MEMBER (JUDICIAL)

MR. VELAMUR G. VENKATA CHALAPATHY
HON'BLE MEMBER (TECHNICAL)

Appearance:

For the Applicant	: Mr. Jawahar Prajapati, Adv. & Mr. Dharmesh J Shah, Adv.
For Respondent	: Mr. Manish Bhatt, Sr. Adv. : Mr. Yash Dadich, Adv.

JUDGEMENT

1. This application is filed under Section 60(5) of the IBC read with Rule 11 of the NCLT Rules for reviving CP (IB) No. 132/2020.
2. The Applicant stated that CIRP was initiated against the Respondent/Corporate Debtor in CP (IB) No. 503 (Huhtamaki PPL Limited) of 2019 vide order dated 01.03.2021. Therefore, the original petition bearing No. 132/2020 filed by the Applicant became infructuous. Subsequently, the matter was settled between the CD (Corporate Debtor) and the OC (Operational Creditor) in CP

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(IB) No. 503/2019. Hence, the Applicant prayed for reviving its Company Petition No. 132/2020.

3. The Respondent, in its affidavit, submitted that the Applicant is a partner of Do Well Moulds and the proprietor of M/s Rajput and Sons. The Respondent relied upon the order passed by the Joint Commissioner, Central GST and Central Excise, issuing a show cause notice to several persons, including the Applicant. The Respondent further submitted that various inconsistencies were found in the Applicant's company, which are stated in detail by the Respondent. The Respondent further submitted that the Applicant has suppressed material facts and that the goods were not supplied to the Respondent and bogus invoices were raised.

4. The Respondent further submitted that another CP (IB) No. 595/2019 was admitted against the CD, and the said order has been challenged before the Hon'ble NCLAT, which has stayed the order. It is further submitted that CP (IB) No. 812/2019 was also admitted against the CD, which has also

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Sd/-

been challenged before the Hon'ble NCLAT, and a stay has been granted by the Hon'ble NCLAT. The Respondent also prayed for adjourning the matter till the order is passed in the appeals.

5. Heard Ld. Counsel for the Applicant and Ld. Counsel for the Respondent.

6. This application is filed for the limited purpose of reviving the original CP (IB) No. 132/2020, which was ordered to be infructuous in view of the order passed in CP (IB) No. 503/2019. The Applicant itself stated that the CD has settled the dispute with the OC and, therefore, has filed this application. However, the Applicant has not mentioned when the settlement between the OC and the CD took place. The Company Petition was admitted vide order dated 02.03.2021, whereas the present application was filed on 05.08.2024. Prima facie, it appears that the present application is not within the period of limitation. The Applicant has not explained how the present application is within limitation. No settlement order or document showing

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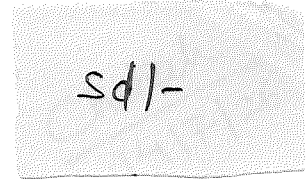
the date of settlement has been filed by the Applicant.
Hence, prima facie, it appears that the present application
is barred by limitation.

ORDER

In view of the above, IA No. 1219 of 2024 is dismissed
and disposed of.



DR. V.G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)



CHITRA HANKARE
MEMBER (JUDICIAL)

AP