THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH (COURT-I), CHANDIGARH

I.A. (I.B.C)/1051(CH)2026
in
CP (IB) No. 248/Chd/Chd/2019
(Admitted)

(Application under section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016)

I.A(IBC) No. 1051of 2026:
HARSANDESH SINGH
aged 54 years
S/o Sh.Ravinder Singh Arora
R/o 19, Green Model Town, Jalandhar
(Adhaar Card No.285114757335)
Phone No.: 9988103262
Email. Id.: harsandesh@yahoo.com

...Applicant

Versus

MR MOHIT CHAWLA
IBBI/IPA-00l/lP-P00524/2017-2018/10949
SCO 26, Shri Balaji Complex, Dhakauli,
Zirakhpur, SAS Nagar, Punjab 140603
Resolution Professional of Chandigarh Overseas Pvt. Limited.

...Respondent

And
IN THE MATTER OF CP(IB) No. 248/Chd/Chd/2025:

Kone Elevator India Private Limited
… Petitioner/Operational Creditor
Vs.
Chandigarh Overseas Private Limited
…Corporate Debtor

Order delivered on: 31.07.2026

Coram: MR. KHETRABASI BISWAL, HON'BLE MEMBER (JUDICIAL)
MR. SHISHIR AGARWAL, HON'BLE MEMBER (TECHNICAL)

Present:

For the Applicant : Mr. Harsandesh Singh Arora, Advocate

For the RP	:	Mr. Atul V. Sood, Advocate Mr. Arora Vishwas Kumar, Advocate Mr. Rohan Sood, Advocate

ORDER

The present Application has been filed by **Mr. Harsandesh Singh** *(hereinafter referred to as the "Applicant")* under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 *(hereinafter referred to as the "Code")* read with Rule 11 of the National Company Law Tribunal Rules, *2016 (hereinafter referred to as the "Rules")* seeking a direction to the Resolution Professional to submit the status of the Applicant's claim lodged before the erstwhile Resolution Professional vide Form CA along with supporting documents and, in the event the said claim has not already been considered, to consider and include the same in the Resolution Plan of the Corporate Debtor.

BRIEF FACTS

2. The averments made by the Applicant in the Application and presented/argued by the learned counsel for the Applicant are summarised hereunder:

(i) The Applicant entered into a Developer Buyer Agreement dated 09.01.2007 with the Corporate Debtor for allotment of a commercial unit in the project known as "Fashion Technology Park". It is submitted that pursuant to the said Agreement, the Applicant paid an amount of ₹4,75,000/- towards the consideration of the said unit.

(ii) It is submitted that on account of non-completion of the project by the Corporate Debtor, the Applicant approached the Hon'ble District Consumer

Disputes Redressal Commission-II, U.T., Chandigarh by way of Consumer Complaint No. 952 of 2019. The said complaint was subsequently withdrawn by the Applicant with liberty to seek possession of the allotted unit. Thereafter, the Applicant filed another complaint bearing No. CC/583/2022 dated 02.08.2022, seeking possession of the unit along with damages, against which proceedings were pursued before the Hon'ble State Consumer Disputes Redressal Commission.

(iii) The aforesaid consumer complaint was initially disposed of vide order dated 01.05.2024, whereby the Applicant was directed to lodge its claim before the Resolution Professional. Pursuant thereto, the Applicant submitted its claim before the then Resolution Professional, Mr. Arvind Kumar, vide email dated 30.07.2024 along with seventeen (17) supporting annexures and thereafter forwarded the same through speed post dated 03.08.2024 along with Form CA. It is pertinent to note that during the pendency of the CIRP, Mr. Arvind Kumar was succeeded by Mr. Atul Kumar Kinra and thereafter by the present Resolution Professional, Mr. Mohit Chawla.

(iv) The claim submitted by the Applicant was acknowledged by the erstwhile Resolution Professional, who communicated that the claim "shall be treated in terms of the resolution plan". The Applicant has placed reliance upon the said communication and has annexed the same along with the present Application.

(v) The Applicant has further submitted that against the order dated 01.05.2024 passed by the District Consumer Disputes Redressal

Commission-II, U.T., Chandigarh, an appeal was preferred before the Hon'ble State Consumer Disputes Redressal Commission, which was allowed and the matter was remanded back to the District Commission for fresh adjudication.

(vi) The Hon'ble District Consumer Disputes Redressal Commission-II, U.T., Chandigarh, vide order dated 06.02.2025, reiterated that the Applicant was at liberty to approach the Resolution Professional with its claim and that the Resolution Professional could seek appropriate directions from this Tribunal for consideration of the said claim or take such other steps as permissible in law.

(vii) The Applicant has averred that it is approaching this Tribunal for the first time and is not aware of the status of its claim submitted before the erstwhile Resolution Professional or whether the same has been considered in the Corporate Insolvency Resolution Process or reflected in the Resolution Plan. It is submitted that if the claim submitted by the Applicant has not been considered, the same may be directed to be included in the Resolution Plan, as failure to do so would cause prejudice to the Applicant.

(viii) The claim submitted before the erstwhile Resolution Professional may not have been transferred to or considered by the present Resolution Professional, Mr. Mohit Chawla. Accordingly, the present Application has been filed as a matter of abundant caution to protect the Applicant's alleged claim pending adjudication of the consumer proceedings.

(ix) The Applicant has also contended that it is entitled to exclusion of time under Section 14 of the Limitation Act, 1963, for the period during which it has been pursuing proceedings before the consumer fora, as the said proceedings were being pursued bona fide and with due diligence.

(x) On the basis of the aforesaid averments, the Applicant has sought directions for consideration and inclusion of its claim in the Resolution Plan of the Corporate Debtor.

3. The Learned Counsel appearing on behalf of the Resolution Professional opposed the present Application and submitted that the same is not maintainable, inter alia, on the ground that the Applicant's claim was submitted after approval of the Resolution Plan by the Committee of Creditors and beyond the timelines prescribed under the CIRP Regulations.

ANALYSIS & FINDINGS:

4. We have considered the submissions made by the Learned Counsel appearing on behalf of the Applicant and the Learned Counsel for the RP and have carefully gone through the material available on record. The issue that arises for consideration is whether the claim submitted by the Applicant after approval of the Resolution Plan by the Committee of Creditors can be directed to be considered and included in the Resolution Plan.

5. In the present case, it is an admitted position that the Applicant submitted his claim in the prescribed Form CA before the erstwhile Resolution Professional on 30.07.2024. However, the Resolution Plan of the Corporate Debtor had already been approved by the Committee of Creditors on 19.03.2024. Thus, the claim was submitted after approval of the

Resolution Plan and at a stage when the CIRP had substantially progressed.

6. Regulation 13(1B) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 provides that claims received after the period specified under Regulation 12(1) and up to seven days before the date of the meeting of creditors for voting on the Resolution Plan may be verified and categorised by the Resolution Professional. In the present case, not only was the claim submitted beyond the period prescribed under Regulation 12, but the Resolution Plan had already been approved by the Committee of Creditors prior to submission of the claim. Therefore, the claim was submitted after the stage contemplated under Regulation 13(1B), particularly when the Resolution Plan had already been approved by the Committee of Creditors.

7. The communication issued by the erstwhile Resolution Professional stating that the claim shall be “treated in terms of the resolution plan” cannot be construed as an admission of the claim. Mere acknowledgment of receipt of a claim does not, by itself, establish admission of such claim or confer a right upon the Applicant for inclusion of such claim in a Resolution Plan which has already been approved by the Committee of Creditors.

8. The Applicant has also not placed on record any material to demonstrate that the claim was verified or admitted by the Resolution Professional or that the same was inadvertently excluded from consideration. The present Application is based only on an apprehension regarding non-consideration of the claim.

9. It is a settled position that the Corporate Insolvency Resolution Process is a time-bound process and permitting consideration of claims after approval of the Resolution Plan would unsettle the commercial decision of the Committee of Creditors and defeat the objective of finality envisaged under the Code.

10. In view of the above discussion, it is observed that the Applicant submitted his claim only on 30.07.2024, after the Resolution Plan had already been approved by the Committee of Creditors on 19.03.2024. The claim was, therefore, beyond the stage contemplated under Regulation 13(1B) of the CIRP Regulations, 2016, and the Applicant has also failed to place any material on record to establish that the said claim was ever admitted by the Resolution Professional or was wrongfully excluded from consideration. At this stage, directing consideration or inclusion of such a clai would unsettle the resolution process and the commercial decision already taken by the Committee of Creditors.

11. In view of the conclusions recorded hereinabove, the present Interlocutory Application bearing ***IA. (IBC) 1051 (CH) 2026*** stands **dismissed** and **disposed of**.

Sd/-	**Sd/-**
(SHISHIR AGARWAL)	**(KHETRABASI BISWAL)**
MEMBER (TECHNICAL)	**MEMBER (JUDICIAL)**
	Ruhani