

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH,
KOLKATA, COURT- I**

IA (IB) No. 415/KB/2025

In

CP (IB) No. 03/KB/2017

An application under section 60(5) of the IBC, 2016

IN THE MATTER OF:

Joint Commissioner of Commercial Taxes & GST, Odisha

...Applicant

Versus

Shri Vinod Kothari, Liquidator of Nicco Corporation Ltd

...Respondent

In

An application under section 10 of IBC, 2016

IN THE MATTER OF:

M/s. Nicco Corporation Limited

...Corporate Debtor

Date of Pronouncement: 09.06.2026

CORAM:

Cmde. Siddharth Mishra, Member (Technical)

Smt. Bidisha Banerjee, Member (Judicial)

APPEARANCE:

Mr. Anand Das, Adv.] For the Applicant

Ms. Barsha Dikshit, PCS] For Liquidator

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O R D E R

Per: Bidisha Banerjee, Member (Judicial)

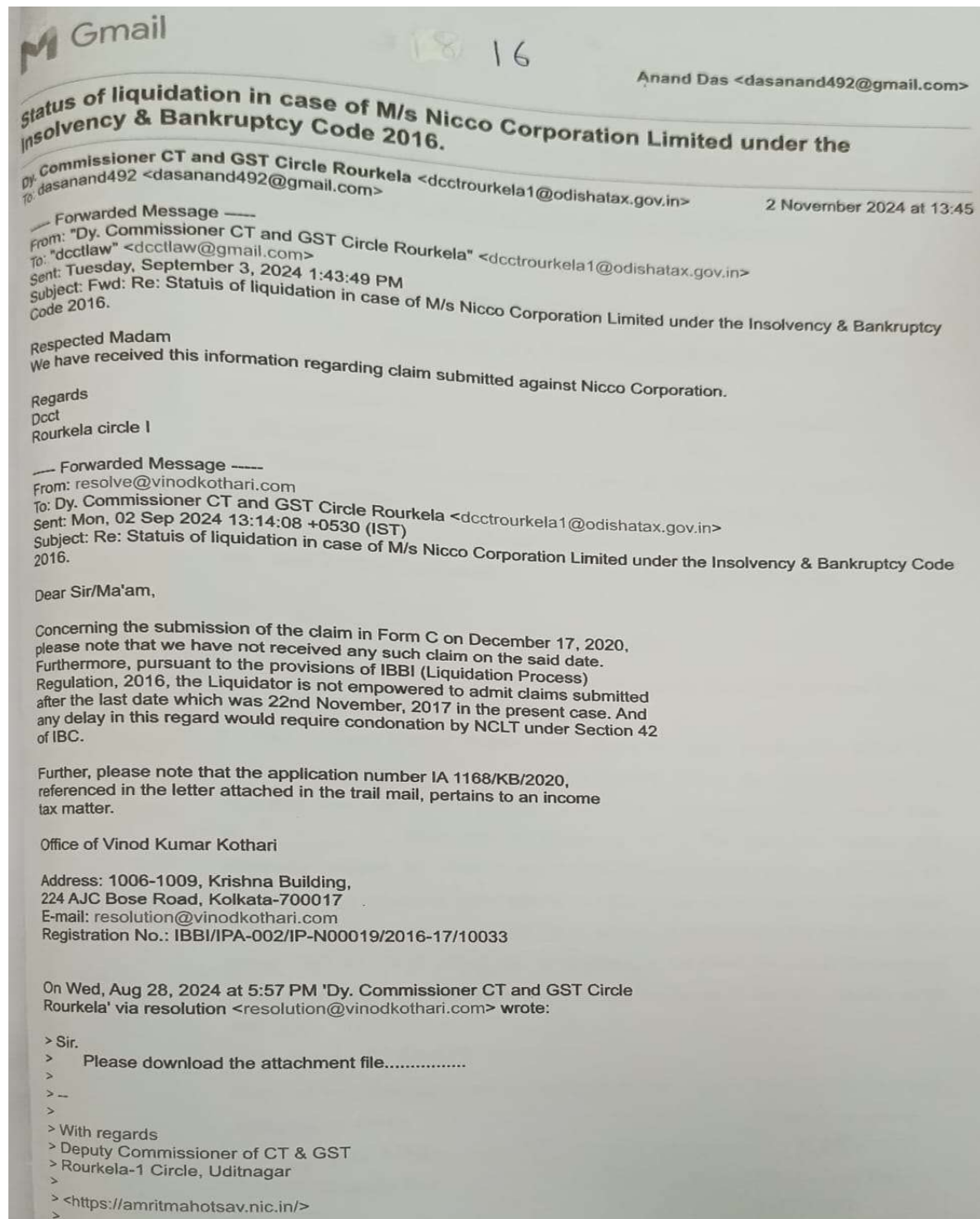
1. The Court convened through hybrid mode today.
2. The present application has been filed by the Joint Commissioner of Commercial Taxes & GST, Odisha *inter alia* seeking for a direction to the Respondent Liquidator to intimate his decision in either accepting or rejecting the Applicant's claim.

3. FACTS

- 3.1 M/s Nicco Corporation Limited, the Corporate Debtor, carried out business in Odisha and was assessed under the Orissa Sales Tax Act, whereby the payable tax liability was determined to be Rs. 9,19,533/-.
- 3.2 This Tribunal ordered the liquidation of the Corporate Debtor on 17.10.2017, and the public announcement in Form B for the invitation of claims was made by the appointed Respondent Liquidator on 23.10.2017 keeping the last date of submission of the claim on 22.11.2017.
- 3.3 The Applicant submitted its proof of claim in FORM C on 17.12.2020, along with the relevant assessment order, for the recovery of outstanding government dues. The said Form C along with its postal receipt has been attached as Annexure A/1.
- 3.4 The Liquidator allegedly never intimated the Applicant whether the Applicant's claim was accepted or rejected.
- 3.5 The Applicant's name was found to be omitted from the list of stakeholders maintained by the Respondent Liquidator.
- 3.6 Upon a status inquiry by the Applicant on 28.08.2024, the Liquidator replied on 02.09.2024, stating that the claim was not received and that

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pursuant to the IBBI (Liquidation Process) Regulations, 2016, the Liquidator is not empowered to admit claims submitted after the prescribed last date and the delay in submission required condonation by this Tribunal under Section 42 of the Code. The said correspondence reads as under:



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4. SUBMISSIONS OF THE APPLICANT

- 4.1 Learned Counsel appearing for the Applicant contends that under Section 40(2) of the IBC, the Liquidator is duty-bound to communicate the decision of admission or rejection of a claim within seven days.
 - 4.2 Further, the Applicant contends that the Liquidator failed to comply with Regulation 31 of the Liquidation Regulations, which provides that the list of stakeholders prepared by the Liquidator has to include the creditors whose claims are partially or wholly rejected.
 - 4.3 At the time of the public announcement in 2017, the unamended Regulation 16(1) of the Liquidation Regulations did not mandate the filing of a claim by a creditor but was only required to substantiate the same by production of such materials as might be called upon by the Liquidator.
 - 4.4 It is argued that the Liquidator failed in his duty to verify the books of accounts of the Corporate Debtor, which would have revealed the outstanding legitimate government dues.
5. The Respondent has not filed any reply to the present application.

ANALYSIS AND FINDINGS

6. Heard the Learned Counsels appearing for the parties and perused the materials placed on record.
7. This Tribunal is of the considered view that a bare perusal of the aforesaid reply of the Liquidator dated 02.09.2024 makes it sufficiently and unambiguously clear that the claim of the Applicant was not accepted by the Liquidator. The said communication, in its plain and unequivocal terms, conveys the non-acceptance of the said claim on such grounds as therein contended by the Liquidator, which, by necessary implication and

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in substance, amounts to a rejection of the Applicant's claim. Delving into the merits of such explanations is not called for at this stage, inasmuch as the prayer of the Applicant is confined only to seeking a communication of acceptance or rejection of its claim.

8. The reply dated 02.09.2024 itself serves as sufficient communication of the fact that the claim has not been accepted, and accordingly, the prayer of requiring the Respondent Liquidator to communicate its decision of accepting or rejecting the claim of the Applicant, as sought for, stands satisfied and addressed by virtue of the said reply. No further relief as sought in the present Application survives for consideration. Hence, we are not inclined to entertain the present Application.
9. IA (IB) No. 415/KB/2025 is dismissed accordingly.
10. Urgent Certified Copies of this order, if applied for, be issued by the Registry upon compliance of all requisite formalities.

**Cmde. Siddharth Mishra
Member (Technical)**

**Smt. Bidisha Banerjee
Member (Judicial)**

Order signed on 09.06.2026

Bhatt, O. [LRA]