

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**KOLKATA BENCH, COURT-II**

**KOLKATA**

**I.A. (IB) No. 208/KB/2026**

**IN**

**C.P.(IB) No. 1674/(KB)/2019**

An application under Section 12(2) and Section 60(5) of the Insolvency and Bankruptcy Code, 2016 and the applicable provisions made thereunder.

**IN THE MATTER OF:**

Punjab National Bank

... Financial Creditor

Versus

Basukinath Food Processors Limited

... Corporate Debtor

**And**

**IN THE MATTER OF:**

Rajesh Lihala, the Resolution Professional of Basukinath Food Processors Limited

... Applicant

**Coram:**

**Shri Labh Singh** : **Member (Judicial)**

**Ms. Rekha Kantilal Shah** : **Member (Technical)**

**Appearances (via physical mode/virtual mode)-:**

**For the Resolution Professional**

- i. Ms. Pooja Agarwal, Adv.
- ii. Mr. Rajes Lihala, RP

**Date of Pronouncement- 22.05.2026**

**ORDER**

**Per: Rekha Kantilal Shah, Member (Technical)**

1. The instant application has been preferred by the Resolution Professional of the Corporate Debtor (hereinafter referred to as the "CD") praying for the following reliefs:-
  - (a) *To allow the additional 60 days' time period of the Corporate Insolvency Resolution Process of the Corporate Debtor in terms of Section 12 of the IBC, 2016;*
  - (b) *Ad interim prayer(s) in terms of above;*
  - (c) *Such further and/or other order or orders as this Hon'ble Tribunal may deem fit and proper.*
2. The Corporate Insolvency Resolution Process (hereinafter referred to as "CIRP") in respect of the CD commenced vide an order of this Tribunal dated 11<sup>th</sup> January, 2022, and the applicant herein was appointed as the Interim Resolution Professional in respect

of the CD. Subsequently, the applicant was confirmed as the Resolution Professional (hereinafter referred to as the “RP”) by the CoC.

3. It has been stated that the applicant was informed in the CoC meeting held on 15<sup>th</sup> February, 2022 that one plant/factory of the CD was under the physical possession of the West Bengal Industrial Development Corporation (hereinafter referred to as “WBIDC”) and as such the applicant herein filed an interlocutory application being I.A. no. 204/KB/2022 against WBIDC for taking over the possession of the said plant/factory.
4. The Expression of Interest (hereinafter referred to as “EOI”) was published on 21<sup>st</sup> March, 2022. The Evaluation Matrix and Request for Resolution Plan (hereinafter referred to as “RfRP”) was approved by the CoC in its meeting held on 17<sup>th</sup> May, 2022. The RP received one EOI from a Resolution Applicant and the RP invited the Resolution Applicant to submit the Resolution Plan in accordance with the RfRP issued on 25<sup>th</sup> May, 2022. It has been stated that the Applicant received one resolution plan from the Prospective Resolution Application (hereinafter referred to as the “PRA”), on the last date of submission.
5. The Resolution Plan was opened before the CoC and the PRA through virtual mode during the 11<sup>th</sup> CoC meeting held on 02<sup>nd</sup> August, 2022 via audio-video conferencing. The Applicant examined and vetted the Resolution Plan in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 and the applicable regulations. The same was deliberated upon with the PRA during the 12<sup>th</sup> and 13<sup>th</sup> CoC meetings held on 09<sup>th</sup> September, 2022 and 15<sup>th</sup> September, 2022 respectively. During the 13<sup>th</sup> CoC meeting, the CoC requested the PRA to enhance the value of the Resolution Plan. In response, the PRA sought permission to undertake an inspection of

the plant and stated that any revision of its offer would be considered thereafter.

6. The Applicant informed the CoC and the PRA that the plant was under the possession of West Bengal Industrial Development Corporation and that an application against the said authority had been filed before the Adjudicating Authority on 01<sup>st</sup> March, 2022, being I.A. No. 204/KB/2022. It was further intimated that the claim submitted by WBIDC before the Applicant had been kept in abeyance pending disposal of the aforesaid application. The Applicant also apprised the CoC that several requests had been made to WBIDC seeking permission for the PRA to inspect the plant; however, no response had been received till date.
7. During the pendency of I.A. No. 204/KB/2022, West Bengal Industrial Development Corporation filed I.A. No. 1144/KB/2022 before this Tribunal on 29<sup>th</sup> September, 2022 seeking inclusion in the CoC. It was contended therein that the RP had no authority to keep its claim in abeyance, particularly after this Tribunal, by order dated 13<sup>th</sup> June, 2022, had condoned the delay in filing of its claim.
8. This Tribunal disposed of I.A. No. 204/KB/2022 and I.A. No. 1144/KB/2022 by a common order dated 08<sup>th</sup> February, 2024. Upon receipt of the said order on 12<sup>th</sup> February, 2024, the RP requested WBIDC to hand over possession of the assets of the Corporate Debtor in its custody and subsequently issued a reminder dated 19<sup>th</sup> February, 2024. However, no response was received thereto. Pursuant to the aforesaid order, the Applicant reconstituted the CoC on 23<sup>rd</sup> February, 2024 and included WBIDC as a member thereof.

9. In view of the decision taken in the 13<sup>th</sup> CoC meeting and considering the prevailing facts and circumstances, the CoC formed the opinion that, in the interest of all stakeholders and for effective resolution of the Corporate Debtor, exclusion of the CIRP period ought to be sought from this Tribunal.
10. The Applicant filed I.A. No. 1142/KB/2022 on 28<sup>th</sup> September, 2022 seeking exclusion of the CIRP period from 01<sup>st</sup> March, 2022 till disposal of I.A. No. 204/KB/2022. By order dated 24<sup>th</sup> April, 2024, this Tribunal allowed exclusion of the litigation period from the CIRP commencing from 01<sup>st</sup> March, 2022 till 24<sup>th</sup> April, 2024.
11. In the interregnum, WBIDC preferred Company Appeal (AT) (INS) No. 519 of 2024 before the Hon'ble NCLAT challenging the order dated 08<sup>th</sup> February, 2024 passed by this Tribunal. By interim order dated 15<sup>th</sup> March, 2024, the Hon'ble NCLAT directed maintenance of status quo with regard to possession of the property and restrained creation of any third-party rights therein.
12. Thereafter, by judgment dated 06<sup>th</sup> May, 2025, the Hon'ble NCLAT dismissed Company Appeal (AT) (INS) No. 519 of 2024, observing that no infirmity existed in the impugned order and further holding that WBIDC was merely a custodian of the property, the same not having been transferred by way of sale.
13. In the 26<sup>th</sup> CoC meeting held on 14<sup>th</sup> May, 2025, the Applicant informed the CoC that the Resolution Plan submitted by Kedarnath Mining Pvt. Ltd. had already been opened and discussed; however, negotiations could not progress due to non-handover of the CD's assets to the RP. It was further informed that the Resolution Plan submitted by Orissa Metalliks Pvt. Ltd., pursuant to the directions of the Tribunal, remained in a sealed cover pending consideration by the CoC. In the said meeting, the CoC authorised

the Applicant to seek exclusion of the CIRP period from 15<sup>th</sup> March, 2024 till 06<sup>th</sup> May, 2025, being the period during which the aforesaid appeal remained pending before the Hon'ble NCLAT.

14. Pursuant thereto, an exclusion application was filed on 22<sup>nd</sup> May, 2025. Subsequently, upon noticing an error in the relief sought therein, the Applicant filed I.A. No. 1368 of 2025 on 22<sup>nd</sup> August, 2025 seeking exclusion of the CIRP period from 25<sup>th</sup> April, 2024 till 06<sup>th</sup> May, 2025, which application came to be allowed by order dated 26<sup>th</sup> August, 2025.
15. In the CoC meeting held on 26<sup>th</sup> July, 2024, the CoC resolved that the Resolution Plans submitted by Kedarnath Mining Pvt. Ltd. on 01<sup>st</sup> August, 2022 and Orissa Metalliks Pvt. Ltd. on 05<sup>th</sup> July, 2024 be kept in abeyance pending handover of the Corporate Debtor's assets by WBIDC.
16. In the 29<sup>th</sup> CoC meeting held on 22<sup>nd</sup> July, 2025, the Applicant informed the CoC that an email dated 07<sup>th</sup> July, 2025 had been received from WBIDC expressing its intention to hand over possession of the assets. It was further stated that the Applicant would be required to deploy security personnel at the plant site upon such handover.
17. In the 30<sup>th</sup> CoC meeting held on 11<sup>th</sup> August, 2025, the CoC was informed that on 06<sup>th</sup> August, 2025, the RP, along with a Chartered Engineer and representatives of WBIDC, had visited the factory premises and taken possession of the assets from WBIDC. It was further informed that security personnel had been deployed for safeguarding the assets of the CD. During the said meeting, the Resolution Plan submitted by Orissa Metalliks Pvt. Ltd. was opened before the representatives of the Resolution Applicant, the CoC and the Applicant. It was also noted that the Resolution Plan of

Kedarnath Mining Pvt. Ltd. had already been received in the year 2022.

18. In the 31<sup>st</sup> CoC meeting held on 02<sup>nd</sup> September, 2025, the Applicant apprised the CoC that the Resolution Plans received from the PRAs were under scrutiny and that requisite queries had been raised with the concerned PRAs.
19. In the 32<sup>nd</sup> CoC meeting held on 15<sup>th</sup> October, 2025, the Applicant updated the CoC regarding compliance status of the Resolution Plans and sought comments thereon from the members. During the course of the meeting, WBIDC raised the issue of security expenses incurred till handover of the factory to the RP and requested that the same be treated as CIRP costs. The RP in response, requested WBIDC to furnish supporting documents and further apprised the CoC that only a limited period remained for completion of the 270 day period of the CIRP.
20. In the 33<sup>rd</sup> CoC meeting held on 17<sup>th</sup> November, 2025, the Applicant informed the CoC regarding the email dated 13<sup>th</sup> November, 2025 received from WBIDC concerning security expenses incurred from commencement of CIRP till handover of the assets on 06<sup>th</sup> August, 2025. The CoC sought time to consult its legal department before taking a final decision on the said issue. The Applicant further stated that the PRAs had been invited for discussions on the Resolution Plans; however, WBIDC objected to such participation on the ground that certain documents from the PRAs were still pending and the issue relating to security expenses remained unresolved. Upon deliberation, the CoC decided that the PRAs would be invited only after receipt of all pending documents and resolution of outstanding queries.

21. In the 34<sup>th</sup> CoC meeting held on 01<sup>st</sup> December, 2025, the Applicant informed the CoC that the Resolution Plans submitted by Orissa Metalliks Pvt. Ltd. and Kedarnath Mining Pvt. Ltd. were compliant with the provisions of the RFRP and applicable laws and regulations, and accordingly placed the same before the CoC for consideration. Although both PRAs had been invited for negotiations and discussions, WBIDC, being the majority member of the CoC, strongly objected to proceeding further pending determination of the issue relating to security expenses. The Applicant further apprised the CoC that the 270-day CIRP period was due to expire on 12<sup>th</sup> December, 2025 and that an appropriate decision regarding continuation of CIRP and consideration of the Resolution Plans was required before expiry of the said timeline. In the absence of consensus, the Applicant stated that all relevant matters, including the Resolution Plans, would be placed for voting and, in the event the requisite 66% voting threshold was not achieved, the Applicant would be constrained to approach the Adjudicating Authority placing on record the deliberations of the CoC and the prevailing deadlock.
22. It has been submitted that in the said meeting, it was discussed and decided by the CoC for an extension of the period of CIRP by a period of 60 days so as to reach a conclusion regarding the expenses incurred by the WBIDC and discuss on the resolution plans after the said issues are resolved.
23. As such, the RP filed an application before this Tribunal for extension of the CIRP period, which came to be allowed by this Tribunal vide order dated 06<sup>th</sup> January, 2026, whereby a “*Last opportunity*” was granted for completion of the CIRP within a further extended period of 60 days with effect from 10<sup>th</sup> December, 2025.

24. Thereafter, the 35<sup>th</sup> meeting of the CoC was convened by the RP on 30<sup>th</sup> December, 2025, the Applicant apprised the CoC of the email dated 30<sup>th</sup> December, 2025 received from WBIDC, wherein WBIDC reiterated its claim towards security expenses amounting to Rs. 69,86,810/- for the period from 29<sup>th</sup> September, 2016 to 06<sup>th</sup> August, 2025. However, no supporting documents, including invoices or work orders, were furnished in support of the said claim. The same was duly noted by the CoC.
25. In the said meeting, the representatives of Punjab National Bank and Canara Bank reiterated that the CIRP ought not to be stalled on account of WBIDC's alleged claim towards security expenses and further stated that such expenses could not be treated as CIRP costs. WBIDC, however, maintained that unless its queries were addressed, it would not consent to inviting the PRAs for negotiations. The Applicant clarified that the said issues were unrelated to the consideration of the Resolution Plans and urged the CoC not to delay the time-bound CIRP process envisaged under the Code. WBIDC thereafter agreed to communicate its queries through email for an appropriate response from the Applicant.
26. Thereafter, the Applicant placed before the CoC the financial proposals submitted by the two PRAs and apprised the members of the key commercial terms as well as the proposed implementation timelines. While Punjab National Bank and Canara Bank requested that both PRAs be invited for negotiations, WBIDC objected to the same.
27. In the 36<sup>th</sup> CoC meeting held on 28<sup>th</sup> January, 2026, and the adjourned meetings held on 30<sup>th</sup> January, 2026 and 05<sup>th</sup> February, 2026, the RP apprised the CoC regarding the revised claim submitted by WBIDC amounting to Rs. 99,14,14,468.22/-, which included the additional claim of Rs. 69,86,810/-. The RP further

placed before the CoC the financial proposals submitted by the two PRAs, along with the key commercial terms and proposed implementation timelines. The Evaluation Matrix of the PRAs was also placed before the CoC, wherein Kedarnath Mining Pvt. Ltd. secured a score of 7.50 (H1) and Orissa Metalliks Pvt. Ltd. secured a score of 6 (H2), which was duly noted by the CoC.

28. The Applicant informed the CoC that negotiations with the PRAs were still pending, as WBIDC continued to object to the invitation of the PRAs for negotiations. Upon deliberation, all CoC members except WBIDC consented to invite the PRAs for negotiations, and accordingly, the meeting was adjourned to 30<sup>th</sup> January, 2026.
29. In the adjourned meeting held on 30<sup>th</sup> January, 2026, the Applicant updated the CoC regarding the additional claim raised by WBIDC. A representative of Kedarnath Mining Pvt. Ltd. attended the meeting, and the CoC discussed the Resolution Plan and sought certain clarifications/documents. The representative requested 3-4 days' time on the ground that the management was unavailable. No representative of Orissa Metalliks Pvt. Ltd. attended the meeting despite attempts to contact them.
30. Considering the circumstances, Punjab National Bank requested the RP to seek an extension of 60 days from this Tribunal, observing that completion of the CIRP within the existing timeline would not be feasible. Upon discussion, the CoC resolved to adjourn the meeting to 05<sup>th</sup> February, 2026.
31. In the second adjourned meeting held on 05<sup>th</sup> February, 2026, the RP informed the CoC that an email dated 04<sup>th</sup> February, 2026 had been received from Kedarnath Mining Pvt. Ltd., stating that its directors would remain unavailable till 10<sup>th</sup> February, 2026 and

that the clarifications/documents sought by the CoC would be furnished only thereafter.

32. Thereafter, the RP invited the representative of Orissa Metalliks Pvt. Ltd. to participate in the meeting. The CoC members observed that the proposed amount under the Resolution Plan was substantially low and required enhancement. The representative of Orissa Metalliks Pvt. Ltd. sought time to consult its senior management and, thereafter, requested 7 days' time for considering enhancement of the offer. The CoC directed that the revised response be submitted on or before 10<sup>th</sup> February, 2026, treating the same as the final opportunity, beyond which no further opportunity would be granted.
33. The representative of Punjab National Bank further submitted that since the CIRP period was expiring on 10<sup>th</sup> February, 2026, sufficient time would be required for obtaining internal approvals, and therefore, the RP ought to seek appropriate directions from this Tribunal for extension of the CIRP period by 60 days. The RP informed the CoC that the 330-day period of CIRP was expiring on 11<sup>th</sup> February, 2026 and that two extensions had already been granted after exclusion of the litigation period.
34. The members of the CoC observed that negotiations with the PRAs and the voting process would require additional time in view of the requirement of obtaining approvals from their respective internal authorities and, therefore, completion of the CIRP before 10<sup>th</sup> February, 2026 would not be feasible.
35. As such, it was resolved by the CoC to extend the CIRP period by a further period of 60 (sixty) days and the RP was authorized to do all acts and deeds necessary to give effect to the said

resolution. As such, this application has been preferred by the RP seeking extension of time for completion of the CIRP.

36. We have considered the submissions advanced by the Learned Counsel appearing for the Applicant. It is observed that the Resolution Plans submitted by the two eligible Prospective Resolution Applicants are presently pending consideration before the CoC, and there exists a reasonable likelihood of achieving an effective resolution of the Corporate Debtor.
37. We further take note of the fact that the delay occasioned in the present matter arose on account of the Resolution Plans not being deliberated upon and the negotiations between the PRAs and the CoC being deferred, owing to the unresolved issues pertaining to the claim raised by WBIDC.
38. In view of the aforesaid facts and circumstances, and considering that the objective of the Code is to facilitate resolution of the Corporate Debtor as a going concern within a time-bound framework, we are of the considered opinion that sufficient cause has been made out for grant of extension of the CIRP period. Accordingly, we deem it fit to allow the present application seeking extension of time.
39. In view of the foregoing, the instant Interlocutory Application, being I.A. (IB) No. 208/KB/2026, stands allowed. Consequently, the CIRP period stands extended from 11th February, 2026 till the date of this Order. We further grant an extension of 30 days with effect from the date of this Order to facilitate a successful resolution of the Corporate Debtor.
40. In light of the above, the Interlocutory Application being I.A.(IB) 208/KB/2026 hereby stands disposed of in terms of the directions given hereinabove.

IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH, COURT-II  
KOLKATA

41. Certified copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

Rekha Kantilal Shah

Labh Singh

Member (Technical)

Member (Judicial)

Order dated the 22<sup>nd</sup> day of May, 2026.

HT (LRA)