

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9244/2022

SKIL INFRASTRUCTURE LIMITED

..... APPELLANT(S)

VERSUS

SUDIP BHATTACHARYA

..... RESPONDENT(S)

O R D E R

We do not find any good ground and reason to interfere with the impugned judgment and hence, the present appeal is dismissed.

In the present case, the appellant - Skil Infrastructure Limited is a corporate guarantor as per Section 5(5A) of the Insolvency and Bankruptcy Code, 2016. Its claim against the second/new promoters/management will not make them a financial creditor against the corporate debtor itself. Section 140 of the Contract Act, 1872 cannot be pressed and is not applicable.

Pending application(s), if any, shall stand disposed of.

.....J.  
(SANJIV KHANNA)

.....J.  
(DIPANKAR DATTA)

NEW DELHI;  
APRIL 01, 2024.

Signature not certified  
Digitally signed by  
babita pandey  
Date: 2024.04.04  
10:32:18 IST  
Reason: 

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 9244/2022

SKIL INFRASTRUCTURE LIMITED

Appellant(s)

VERSUS

SUDIP BHATTACHARYA

Respondent(s)

(FOR ADMISSION and IA No.199483/2022-STAY APPLICATION and IA  
No.3326/2023-PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES )

Date : 01-04-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s)      Mr. Shikhil Shiv Suri, Sr. Adv.  
                                 Mrs. Madhu Suri, Adv.  
                                 Ms. Jyoti Suri, Adv.  
                                 Ms. Vidushi Jain, Adv.  
                                 Ms. Wamika Chadha, Adv.  
                                 Ms. Vidhi Kapoor, Adv.  
                                 Ms. Ishita Ahuja, Adv.  
                                 Mr. T. R. B. Sivakumar, AOR

For Respondent(s)      Ms. Prachi Johri, AOR

UPON hearing the counsel, the Court made the following  
O R D E R

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)