

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6777 OF 2022**

HARENDRA SINGH KHOKHAR

APPELLANT(S)

VERSUS

INDARPRASHTHA BUILDTECH PVT. LTD. & ANR.

RESPONDENT(S)

O R D E R

A joint application has been filed by the appellant - Harendra Singh Khokhar (Director of the Corporate Debtor/respondent no. 2 - M/s. Anjani Realtors Pvt. Ltd.) and the operational creditor/respondent no. 1 - Indarprashtha Buildtech Pvt. Ltd.

The parties have compromised and settled the matter in terms of the Deed of Settlement dated 01.02.2024. As per the agreement, two demand drafts¹ totaling to Rs.5 crores have been handed over by the learned counsel for the appellant - Harendra Singh Khokhar to the learned counsel for respondent no. 1 - Indarprashtha Buildtech Pvt. Ltd.

By order dated 28.02.2024, we had asked the appellant - Harendra Singh Khokhar to file an affidavit stating as to whether there are any other creditors. As per the affidavit filed by the Resolution Professional - Mr. Piyush Moona, there was only one creditor in the Committee of Creditors, namely, respondent no. 1 - Indarprashtha Buildtech Pvt. Ltd. However, in paragraphs 11 and 12 of the said affidavit, reference has been made to the dues payable

¹ . The demand drafts mentioned in the application have been renewed and details thereof have been furnished to respondent no. 1 - Indarprashtha Buildtech Pvt. Ltd.

to the Resolution Professionals including the erstwhile Resolution Professional.

Paragraph 11 of the affidavit records that dues of Interim Resolution Professional - Mr. Amit Talwar have been paid by cheque. However, dues of the Resolution Professional - Mr. Piyush Moona have been paid partly to the extent of Rs. 3,26,000/- (Rupees three lakhs twenty-six thousand only).

Learned counsel for the appellant states that the appellant - Harendra Singh Khokhar shall make payment of Rs.5,00,000/- (Rupees five lakhs only) in terms of the affidavit to the Resolution Professional - Mr. Piyush Moona, within a period of ten days from today. In case of non-payment, it will be open to the Resolution Professional - Mr. Piyush Moona to file an application before the National Company Law Tribunal for recovery of this amount.

Recording the aforesaid, I.A. no. 31706/2024 is allowed.

The Corporate Insolvency Resolution Process against respondent no. 2 - M/s. Anjani Realtors Pvt. Ltd. will be treated as closed.

In view of the order passed above, the appeal is disposed of. There shall be no order as to costs.

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

.....J.
(SANJIV KHANNA)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
MAY 10, 2024.

ITEM NO.5

COURT NO.2

SECTION XVII

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. 6777/2022

HARENDRA SINGH KHOKHAR

Appellant(s)

VERSUS

INDARPRASHTHA BUILDTECH PVT. LTD. & ANR.

Respondent(s)

(IA No. 31706/2024 - APPLICATION FOR SETTLEMENT)

Date : 10-05-2024 This matter was called on for hearing today.

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

For Appellant(s)

Mr. Alok Aggarwal, Adv.
Ms. Anushruti, Adv.
Ms. Anushka Sharma, Adv.
Mr. Raj Duggal, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Gaurav Goel, AOR

For Respondent(s)

Mr. T.S. Ahuja, Adv.
Mr. Varun Ahuja, Adv.
Ms. Ridhi Kapoor, Adv.
Mr. Ram Lal Roy, AOR

Mr. Abhishek Kumar, Adv.
Ms. Deeksha Saggi, Adv.
Mr. Rituparn Uniyal, Adv.
Mr. Shashank Tripathi, AOR

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

I.A. No. 31706/2024 is allowed and the appeal is disposed of
in terms of the signed order.

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

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)