

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 4333, 4334 of 2024

In

Comp. App. (AT) (Ins) No. 973 of 2024

IN THE MATTER OF:

Sandeep Jindal

...Appellant(s)

Versus

Corporation Bank (Now Union Bank of India) & Anr.

...Respondent(s)

Present:

For Appellant : Mr. Aalok Jagga, Mr. APS Madaan, Advocates

For Respondents : Mr. Navneet Chauhan, CM (Law) for UBI.
 Mr. Karanveer Jindal, Advocate (Proxy for Mr. Yash Pal Gupta)
 Mr. Kamal Satija, Advocate

O R D E R
(Hybrid Mode)

26.06.2024: This appeal is filed by the Suspended Director of the Corporate Debtor against the order dated 07.05.2024 by which an application filed under Section 7 by the Respondent (Corporation Bank) has been admitted.

2. At the time of preliminary hearing on 16.05.2024 the following order was passed by this court:

“Learned Counsel for the Appellant submits that with regard to Financial Creditor much more than 80% of debt, the Appellant has already settled by an OTS which is being complied with. It is submitted that the said Financial Creditor has also filed an IA in the Section 7 application filed by the Corporation Bank now Union Bank of India to bring all those

facts on record. Appellant also entered into OTS which was sanctioned by letter dated 14.11.2023 for Rs.8 Crore out of which Rs.5 Crore was to be paid by the borrower and Rs.3 Crore by the Guarantor. It is submitted that the Appellant has made payment of Rs.4 Crores till 18.04.2024 and made a payment of Rs.1.70 Crore yesterday and today is making payment of Rs.1 Crore. He submits that the Appellant has made a request to the Financial Creditor on 30.03.2024 for extension of time till 30.06.2024 only for making the entire payment. It is submitted that no communication was received from the Union Bank of India and the Adjudicating Authority by the impugned order has admitted Section 7 application. It is submitted that the Appellant undertakes to pay entire settled payment by end of May.

2. Learned Counsel for the Bank appears who may also obtain instructions from the Bank regarding the payment.

3. In the facts of the present case, we are of the view that an opportunity be given to the Appellant to make the entire settled payment. Let payment as suggested be made by 31.05.2024.

4. List this Appeal on 05.07.2024.

In the meantime, no further steps be taken in pursuance of the impugned order dated 07.05.2024.”

3. The main case is posted for hearing on 05.07.2024 but before that the parties to the Lis have entered into a settlement as per which the appellant has made the entire payment to the Respondent.

4. Today, the appellant has filed **IA No. 4334 of 2024**, invoking Rule 11 of the NCLAT Rules, 2016, for early hearing of the main appeal by preponing the date from 05.07.2024 to today i.e. 26.06.2024, on the pretext that the present appeal can be disposed of because the matter has been settled out of court between the parties and the entire payment has been made.

5. Notice in the application.

6. At this stage, Mr. Karanveer Jindal, Advocate Proxy for Mr. Yash Pal Gupta, Advocate accepts notice on behalf of the Respondent Bank and submits that he has no objection if the application is allowed and the date of hearing is preponed from 05.07.2024 to today i.e. 26.06.2024. Accordingly, this application is hereby allowed and the date of hearing of the main appeal from 05.07.2024 is preponed to today i.e. 26.06.2024 for taking up the main case as well. IA No. 4334 of 2024 is disposed of.

7. The appellant has filed an application bearing **IA No. 4333 of 2024**, invoking Rule 11 of the NCLAT Rules, 2016, seeking disposal of the appeal on the ground that the appellant has paid the entire amount to the Respondent as per the OTS and nothing is left to pursue the CIRP proceedings.

8. Notice in the application.

9. At this stage, Mr. Karanveer Jindal, Advocate accepts notice on behalf of the Respondent Bank and submits that he does not want to file any reply rather he has submitted that the settlement has been arrived at between the parties and the entire amount has been paid by the appellant in terms of the One Time Settlement. He has also submitted that vide order dated 16.05.2024 this Court had given an opportunity to the appellant to make the entire settled payment by 31.05.2024 but since the said amount was not paid by 31.05.2024, therefore, the bank has condoned the delay by a separate letter dated 11.06.2024 which is appended with the application as Annexure A-2A.

10. We have taken up the main case and in view of the fact that the OTS has been arrived at between the parties and entire payment has been made the application bearing IA No. 4333 of 2024, is hereby disposed of and the CIRP proceedings which were initiated in terms of the order dated 07.05.2024 against the appellant while admitting the application filed under Section 7 of Code is hereby closed.

[Justice Rakesh Kumar Jain]
Member (Judicial)

[Arun Baroka]
Member (Technical)

sr/md

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Company Appeal (AT) (Insolvency) No. 973 of 2024

IN THE MATTER OF:

Sandeep Jindal

...Appellant

Versus

Corporation Bank (Now Union Bank of India) & Anr.

...Respondents

Present:

For Appellant : Mr. Aalok Jagga, Mr. APS Madaan and Ms. Pallavi Singh, Advocates.

**For Respondents : Mr. Yash Pal Gupta, Advocate.
Mr. Shubham Gupta, Advocate for IRP.**

O R D E R
(Hybrid Mode)

05.07.2024: By order dated 26.06.2024 the CIRP was already closed. This matter was called today, learned counsel for the IRP appears and submits that IRP fee which was directed by the Adjudicating Authority and expenses has not been paid. Learned counsel for the IRP submits that the IRP has made publication and incurred expenses for visiting the plant etc.

2. Learned counsel for the Appellant and learned counsel for the Bank submits that interim order was passed staying the process on 16.05.2024 whereas the impugned order was passed on 07.05.2024, hence, no substantial work was done by the IRP.

3. In any view of the matter, we are of the view that the IRP shall be paid actual expenses incurred along with fee of Rs.1 Lakh. Let the IRP submit bills

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and vouchers of expenses to the Bank. The Bank shall make payment of Rs. 1 Lakh + expenses within two weeks.

4. CIRP having already been closed, no further orders are required.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

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