

ITEM NO.27

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 901/2023

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

SUNIL KUMAR AGRAWAL

Respondent(s)

(IA No.28088/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.28092/2023-STAY APPLICATION)

Date : 17-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s)

Mr. Sanjiv Sen, Sr. Adv.
Mr. Rachit Mittal, Adv.
Mr. Parish Mishra, Adv.
Ms. Pooja Kapur, Adv.
Mr. Adarsh Srivastava, Adv.
Mr. Sudhir Naagar, AOR

For Respondent(s)

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

Learned senior advocate appearing on behalf of the appellant relies upon Regulation 31 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2018 to urge that the current dues have to be accounted for in the resolution plan. Current dues, he submits, could be the dues payable after/from the date of admission of application and onwards.

Issue notice, returnable in the month of September 2023.

Notices will be served by all modes, including dasti.

We clarify that we have not stayed the operation of the order dated 12.01.2023 passed by the National Company Law Appellate Tribunal, Principal Bench, New Delhi in Company Appeal (AT) (Insolvency) No. 622/2022.

This observation will not prejudice the rights of the appellant if they succeed, and appropriate orders will be passed to ensure that the appellant is not put to any loss.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)