



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 108
IB-1082/ND/2020
IA/5494/2024

IN THE MATTER OF:
Canara Bank

...PETITIONER

Vs.

M/s. NSP Associates (India) Pvt. Ltd.

...RESPONDENT

Section
U/s 7 of IBC, 2016

Order delivered on 18.11.2024
HYBRID HEARING (PHYSICAL & VC)

Coram:
SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)
SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner/Financial Creditor :Mr. Hitesh Sachar and Ms. Anjali Singhvi, Advs.

For the RP :Mr. Rohit Sehgal (RP), Mr. Shashwat Anand, Mr. Deepanshu Badiwal, Mr. Rishabh Kumar Advocates.

For the Respondent/Corporate Debtor :Mr. Prashant Katara and Mr. Soin Khan, Advs. for R-2 & R-3 in IA/5494/2024.

ORDER

IA/5494/2024

This is an application filed by the Resolution Professional under Section 12(A) read with Regulation 30 (A) (1) (b), (2) (b) & (5) of the IBBI (IRP for LP) Regulations, 2016 seeking liberty to withdraw the Company Petition IB-1082/ND/2020.

Heard the Ld. Counsel for the Applicant/Resolution Professional and also Ld. Counsel for the Financial Creditor. Ld. Counsel for the Resolution Professional submitted that the CIRP process was initiated vide order dated



31.08.2022. He further submitted that in the present case, CoC consists of a sole Financial Creditor i.e. Canara Bank. Ld. Counsel also submitted that reasons for justifying the withdrawal of CIRP process at this stage has been mentioned in the Minutes of 18th CoC Meeting held on 04.11.2024. Copy of which has been filed along with as mentioned in the Minutes of the CoC Meeting. We have perused these minutes. It is stated therein, that during the CIRP process, despite the best effort by the Resolution Professional and the Bank, no good Resolution Plan got presented to the CoC. Only one Resolution Plan was received from Suspended Management, who also submitted one OTS proposal with the Bank. However, the sole Financial Creditor found both the Resolution Plan as well as OTS (One Time Settlement) proposal to be inadequate. Thereafter, the Suspended Management gave a fresh and improvised One Time Settlement proposal which is backed by the Credible Investor. The revised OTS has been considered by the Bank a fresh and after a careful examination of the same, the sole Financial Creditor and Member of CoC has taken a decision in their commercial wisdom to agree to the OTS and therefore, to withdraw the CIRP process. The key factors considered by the Bank were:-

- (a) The proposed settlement amount was deemed satisfactory to the bank.*
- (b) The hospitality project undertaken by the Corporate Debtor at Neemrana is half-complete and as such require additional investments.*



Further, by withdrawal of CIRP process, the Corporate Debtor would continue as a going concern and there is a high possibility of the project getting completed.

Taking into account all these facts and circumstances, the sole Member of CoC i.e. with 100 % voting has resolved to ask the Resolution Professional to move an application under Section 12 (A) of the IBC.

In view of the acceptance of the OTS proposal by the Bank which is the sole Financial Creditor, liberty is granted to withdraw the Company Petition IB/1082/ND/2020 and the same is **dismissed as withdrawn**. It was also brought to our notice, that some applications (IAs) has been filed by the Resolution Professional and in view of the withdrawal of the main Company Petition IB/1082/ND/2020 these IAs have now become infructuous. All pending IAs are **dismissed as infructuous**. Ld. Counsel also submitted that the CIRP cost has already been paid. The amount due for which the CIRP process was initiated as mentioned in Part IV of the main Company Petition, was Rs. 59,34,96,998.55/- and the same may be captured in Monthly Information Report. The present IA is **disposed of**.

Sd/-
(Atul Chaturvedi)
Member (T)

Sd/-
(Mahendra Khandelwal)
Member (J)