

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 1730 of 2024

In the matter of:

Sajid Salim Saiyed

....Appellant

Suspended Director of Aksa Paper Mills Pvt. Ltd.

Vs.

S.N. Global Minerals LLP & Ors

...Respondents

For Appellant

Mr. Sunil Fernandes, Sr. Advocate with Mr. Atul Sharma, Mr. Shivanshu Kumar, Ms. Anshika Verma, Ms. Rajshree Choudhary, Ms. Diksha Dadu, Advocates

For Respondents

Mr. Mohit D. Ram, Advocate.

ORDER

(Hybrid Mode)

03.09.2024: Heard Learned Counsel for the Appellant and Learned Counsel for the Respondent- Operational Creditor.

2. This Appeal has been filed against the order dated 29.08.2024 passed by the Adjudicating Authority (National Company Law Tribunal) Ahmedabad, Division Bench, Court-1 by which order the Adjudicating Authority has admitted Section 9 application filed by the Operational Creditor.

3. Learned Senior Counsel for the Appellant submits that on the date when the order was to be delivered, it was brought into the notice of the Adjudicating Authority that settlement between the parties has already been entered on 24.08.2024 under which total amount of Rs.2,69,38,653/- was to be paid in the Schedule as provided in paragraph 4 of the Settlement. It is submitted that the said settlement was also e-filed but was not reflected in the DMS Portal, hence, the Adjudicating Authority did not consider the same and further the Counsel for the Operational Creditor said that they are not agreeable for withdrawal of the case.

4. We have considered the submissions of the Counsel for the parties and perused the record.

5. Counsel for the Respondents does not dispute the settlement dated 24.08.2024. In view of the settlement under which the entire payment was to be paid to the Operational Creditor, we see no reason to proceed with the CIRP any further. Counsel for the Respondent is right in his submission that the liberty be granted to the Operational Creditor to revive Section 9 application in event there is any breach of settlement.

6. Considering the aforesaid, we are of the view that no purpose can be served in permitting the continuance of the CIRP against the Corporate Debtor. Consequently, the order dated 29.08.2024 is set aside. Settlement is taken on record. The Appellant shall abide by the Settlement. Liberty is granted to the Operational Creditor to revive the application in event of any breach of the Settlement.

7. With these observations, we dispose of the Appeal.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

Anjali/nn