

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

**Company Appeal (AT) (Insolvency) No. 1770 of 2024**

**IN THE MATTER OF:**

**Indian Bank**

**...Appellant**

**Versus**

**State Bank of India & Ors.**

**...Respondents**

**Present:**

**For Appellant** : Mr. Amod K. Dalela, Mr. Pradeep Pandey and Ms. Ashna,  
Advocates

**For Respondent** : Mr. Abhijeet Sinha, Sr. Advocate with Ms. Shweta Dubey  
and Ms. Kanishka Prasad, Advocates for R-2  
Mr. Sumit Sinha, advocate for RP/R-2

**O R D E R**  
**(Hybrid Mode)**

**15.10.2024** Heard Learned Counsel for the Appellant.

This Appeal has been filed against the order passed by the Adjudicating Authority dated 06.07.2024 by which order Intervention Petition P-7/2024 filed by the State Bank of India has been allowed.

This Appal has been filed by the Indian Bank challenging the order. It is contended by Learned Counsel for the Appellant that it was the Indian Bank who was applicant in Section 95 Applications and there was no reason for permitting State Bank of India to intervene in the matter. All facts are to be placed by the Applicant only and another Financial Creditor has no locus to intervene in the matter.

Learned Counsel appearing for the State Bank of India submits that State Bank of India is the lead bank and there was a guarantee with the banks

including the State Bank of India and the Appellant Indian Bank and there is only one bank guarantee in favour of the lead bank.

Learned Counsel for the Appellant submits that guarantee was also in favour of other bank, it is not necessary for us to express any opinion on decree.

Learned Counsel for the Respondent has also pointed out the order of the Hon'ble Supreme Court in **Civil Appeal No. 8411 of 2019 - Bank of Baroda & Ors. Vs. MBL Infrastructures Limited & Ors.** wherein paragraph 64 of the Hon'ble Supreme Court has made the following observations:

*"64. We remind ourselves of the ultimate object of the Code, which is to put the corporate debtor back on the rails. Incidentally, we also note that no prejudice would be caused to the dissenting creditors as their interests would otherwise be secured by the resolution plan itself, which permits them to get back the liquidation value of their respective credit limits. Thus, on the peculiar facts of the present case, we do not wish to disturb the resolution plan leading to the on-going operation of the Respondent No.1."*

Learned Counsel for the Appellant has also pointed out the Minutes of the Lenders meeting where Appellant as well as the State Bank of India are all members.

We have considered submission of the parties and perused the record. It is not denied that State Bank of India in the lead bank and Corporate Debtor's resolution plan have been approved, which need to be implemented. The Application under Section 95 has been filed by the Indian Bank in which the intervention was sought by the State Bank of India. We do not find any

error in the order of the Adjudicating Authority permitting State Bank of India to intervene.

We make it clear that intervention by State Bank of India does not reflect any opinion by the Court on the merits of the claim of either of the parties and proceedings under Section 95 has to be decided in accordance with law subject to above observation we dismiss the Appeal.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Barun Mitra]**  
**Member (Technical)**

**[Arun Baroka]**  
**Member (Technical)**

*pks/nn*