

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

**Company Appeal (AT) (Insolvency) No. 483 of 2023**

**&**  
**I.A. No. 1586 of 2023**

**IN THE MATTER OF:**

**Mrs. Sunita Prataprao Power & Anr.**

**....Appellants**

**Vs.**

**Manoj Kumar Agarwal**

**....Respondent**

**Present:**

**For Appellant:- Mr. Anand Dilip Landge, Mr. Avineesh Jha, Mr. Dinesh Godara, Advocates.**

**For Respondent:- Mohd. Shahan Ulla, Mr. Nikunj Mahajan, Advocates.**

**O R D E R**

**01.09.2023:** When the matter is taken up Mr. Avineesh Jha, Advocate appears on behalf of the Appellants. The Appellants preferred this Appeal being aggrieved and dissatisfied by the order dated 15.02.2023 passed by the Adjudicating Authority (National Company Law Tribunal, Mumbai Bench, Court No. I) in I.A. No. 2657 of 2022 in C.P. (IB)/1633(MB) of 2019 whereby the Adjudicating Authority dismissed the said Application filed by the Appellants herein seeking direction against the Respondent-Resolution Professional to condone the delay and admit their claim.

2. Mohd. Shahan Ulla, Advocate appears on behalf of the Respondent submits that in terms of the order dated 24.08.2023 he has filed the Status Report' in sealed cover. Now, sealed cover is opened in the open Court, in which at para 2 it is stated that the CoC members in its 2<sup>nd</sup> adjourned 25<sup>th</sup> CoC meeting held on 2<sup>nd</sup> August, 2021 had approved the Resolution Plan along with its addendum submitted by Ashdan Properties Pvt. Ltd., Classic Promoters & Builders Pvt. Ltd. and Atul Builders - Consortium ( "Successful Resolution

Applicant”/“SRA”) with requisite majority through e-voting which ended on 13<sup>th</sup> August, 2021. Therefore, the undersigned filed an application under Section 30(6) and 31 of the Insolvency and Bankruptcy Code, 2016 (“Code”) before the Hon’ble NCLT, Mumbai Bench submitting the Resolution Plan which was approved by the CoC members with requisite majority for approval of the Resolution Plan by the Hon’ble NCLT on 24<sup>th</sup> August, 2021. The Hon’ble NCLT via its order dated 23<sup>rd</sup> June, 2023 (Received on 26<sup>th</sup> June, 2023 through the NCLT website) has approved the Resolution Plan.

3. In view of the Status Report filed by the Respondent/Resolution Professional of D.S. Kulkarni Developers Ltd. this Appeal has become infructuous. Accordingly, this Appeals is dismissed.

**[Justice Anant Bijay Singh]**  
**Member (Judicial)**

**[Ajai Das Mehrotra]**  
**Member (Technical)**

*R.N./Kam./*