

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 596 of 2024

IN THE MATTER OF:

Priyal Kantilal Patel

...Appellant

Versus

Creative Plastics Ltd. & Ors.

...Respondents

Present:

For Appellant : Mr. Arun Kathpalia, Sr. Advocate with Mr. Samrath Chowdhary, Ms. Pracheta Kar, Mr. Rohaan Pajinigar and Mr. Aditya Dhupar, Advocates.

For Respondents : Dr. Yusuf Iqbal Yusuf, Mr. Bhavya Sethi, Ms. Gyanika Kochar and Mr. Chanakya Sharma, Advocates for R-1.

Mr. Anupam Singh, Advocate for Yes Bank.

Ms. Geeta Toraskar and Mr. Rakesh Gupta, Advocates for R-3.

O R D E R
(Hybrid Mode)

03.04.2024 This Appeal has been filed against the Order dated 27.02.2024 passed by the Learned Adjudicating Authority (National Company Law Tribunal, Mumbai Bench, Court – II) in CP (IB) 490 (IB) 2023, by which Section 7 application filed by Creative Plastics Ltd./the Financial Creditor has been admitted.

2. In this Appeal, following interim order was passed on 22.03.2024:

“Learned Counsel for the Appellant submits that the parties have entered into settlement and the process of signing of settlement on which submission has not been disputed by Counsel for the Financial Creditor.

2. *Let this Appeal be taken on 28.03.2024.*

In the meantime, no further steps shall be taken in pursuance of the impugned order.”

3. An Affidavit has been filed on behalf of Yes Bank as well as on behalf of Respondent No. 1. A consent term dated 27.03.2024 has been entered with Creative Plastics Limited who initiated the CIRP as well as the Directors of the Corporate Debtor where the Applicant/Financial Creditor has agreed to not proceed with the CIRP and the consent terms has been entered into between the parties according to para 2 of the consent terms.

4. The Financial Creditor appears through the Counsel submits that consent terms have been entered between the parties and the Applicant who initiated the Application does not propose to proceed any further in the matter.

5. Learned Counsel for the Yes Bank who is another Financial Creditor has submitted that Yes Bank has also filed an Affidavit where the Financial Creditor Yes Bank submits that they have no objection and the consent terms are taken on record and the Appeal is disposed in accordance with the consent terms.

6. IRP submits that there are only two Financial Creditors i.e., Yes Bank and Creative Plastics Limited. Yes Bank having about 90% Voting Shares, both the Financial Creditor has agreed that CIRP be closed. There being no other Financial Creditor and both having filed an affidavit, we see no reason to continue with the CIRP any further.

7. The IRP submits that amount of Rs.1,28,000/- is yet to be received towards fee and expenses. The Appellant shall make the payment of Rs.1,28,000/- within two weeks from today to the IRP.

8. Taking into consideration the consent terms and affidavit of the Financial Creditor, we close the CIRP. Order impugned dated 27.02.2024 is set aside. Corporate Debtor is freed from CIRP.

Appeal is disposed of.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

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