

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1582 of 2024

IN THE MATTER OF:

Kashyap Mehta

...Appellant

Versus

Kabra Estate & Investment Consultants

...Respondent

Present:

**For Appellant : Mr. Ram Prakash ad Ms. Astu Khandelwal,
Advocates.**

**For Respondent : Mr. Kunal Tandon, Ms. Niti Jain and Mr. Atishay
Jain, Advocates.**

**Ms. Ananya Ghosh and Ms. Doel Bose, Advocates
for LICHFL.**

O R D E R
(Hybrid Mode)

23.08.2024: Heard Counsel for the Appellant and Counsel for the Respondent.

2. This Appeal has been filed against an Order dated 27.06.2024 passed by the Learned Adjudicating Authority (National Company Law Tribunal, Court V, Mumbai Bench) in I.A. No. 3142/2024 in C.P. (IB) No. 3169 (MB) 2019, the Application was filed for amendment in I.A. 91/2021. By the Application certain Paragraphs were added and amendment as prayed was allowed.

3. Learned Counsel for the Appellant challenging the Order submits that it is the only Resolution Professional ('RP') who is entitled to pursue Application filed under Sections 43, 45, 46 & 66, 67 and Adjudicating Authority committed an error in allowing the amendment, the Resolution

Applicant has been permitted to pursue the Application. It is submitted that the said Order is not in accordance with law.

4. Learned Counsel for the Respondent opposing the submission of Counsel for the Appellant submits that issue is fully covered by this Tribunal in the matter of '**Kapil Wadhawan' Vs. 'Piramal Capital & Housing Finance Ltd. & Ors.'** in **Comp. App. (AT) (Ins.) No. 437/2023**, where this Tribunal lays down following in Paragraph 27:

“27. We, thus, are of the view that the impugned order has rightly permitted the Piramal – Successful Resolution Applicant to pursue the avoidance applications, which were filed by the erstwhile Administrator and were pending before the Adjudicating Authority. We do not find any error in the impugned orders passed by the Adjudicating Authority permitting the Piramal to pursue the applications and rejecting the applications filed by the Appellant and other Applicants to reject such applications. We do not find any good ground in these Appeals to interfere with the impugned orders passed by the Adjudicating Authority. There are no merits in any of the Appeals. All the Appeals are dismissed.”

5. After having heard the Counsel for the Parties, we are of the view that the issue raised by the Appellant is fully covered by the Judgment of this Tribunal in '**Kapil Wadhawan' (Supra)**. After noticing the Scheme of the regulation it has been held that Adjudicating Authority can permit the Resolution Applicant to pursue the Application filed under Sections 43, 45, 46, 66 & 67.

6. We thus do not find any error in the Order impugned passed by the Adjudicating Authority.

The Appeal is dismissed.

We make it clear that we have not entered into any of the rival contention of the Parties on the merits of the Appeal.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

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