

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1788 OF 2021

DEEPAK BHANDARI

Appellant(s)

VERSUS

VIVEK KUMAR ARORA & ORS.

Respondent(s)

O R D E R

When Interlocutory Application No. 163646 of 2021 came up for hearing, by consent, we have also heard the learned counsel for the parties in the civil appeal.

This appeal is filed against the order passed by the National Company Law Appellate Tribunal (NCLAT) dismissing the appeal carried by the appellant against the order passed by the National Company Law Tribunal (NCLT) affirming the rejection of expression of interest by the Resolution Professional.

Two grounds were found against the acceptability of the expression of interest. In the first place, it is found that the expression of interest would be in the teeth of the prohibition indicated in Section 29A(a) of the Insolvency and Bankruptcy Code, 2016. The attempt to seek shelter under Section 240A on the score that the Corporate Debtor was a MSME also did not find favour.

After hearing the learned counsel for the appellant,

we are convinced at any rate that the expression of interest given by the appellant will attract the wrath of Section 29A(a). In the light of this, we need not even go into the other question which is what was dealt with by the NCLAT viz., that the case of the appellant that the Corporate Debtor was a MSME could not be established.

The appeal is dismissed.

..... J.
[K.M. JOSEPH]

..... J.
[PAMIDIGHANTAM SRI NARASIMHA]

New Delhi;
December 17, 2021.

ITEM NO.26

Court 10 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 1788/2021

DEEPAK BHANDARI

Appellant(s)

VERSUS

VIVEK KUMAR ARORA & ORS.

Respondent(s)

(With IA No. 163646/2021 - STAY APPLICATION)

Date : 17-12-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s)

Mr. Nikhil Singhvi, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. Mohit Seth, Adv.
Ms. Supriya Juneja, AOR
Ms. A. Sahitya Veena, Adv.

For Respondent(s)

Mr. Aditya Dewan, Adv.
Mr. Udit Singh, AOR
Mr. Prahlad Singh, Adv.

Mr. Rajesh Kumar Gautam, AOR
Mr. Anant Gautam, Adv.
Mr. Nipun Sharma, Adv.
Mr. Ravi Solanki, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No. 163646/2021 is dismissed.

The appeal is dismissed in terms of the signed order.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER

[Signed order is placed on the file.]