

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 509 of 2018

IN THE MATTER OF:

R.G.G. Vyapaar Pvt. Ltd.

...Appellant

Vs

Arun Kumar Gupta & Anr.

....Respondents

Present:

**For Appellant: Mr. Jishnu Chowdhury, Mr. Sidhartha Sharma,
Mr. Arjun Asthana and Ms. Sreenita Ghosh,
Advocates.**

For Respondents:

ORDER

31.08.2018: The Appellant, who claim to be a Financial Creditor, filed an application before the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata alleging that his claim has been rejected by the Resolution Professional of 'M/s Divya Jyoti Sponge Iron Pvt. Ltd.', which was ongoing Corporate Insolvency Resolution Process. The Adjudicating Authority by impugned order dated 11th July, 2018 rejected the same taking into consideration the fact that before filing the application by the Appellant the Resolution Plan has already approved by the Adjudicating Authority under Section 31 of the I&B Code.

2. Having heard learned counsel for the Appellant as we are of the opinion that the Adjudicating Authority has no jurisdiction to reopen resolution process

under Section 31 of I&B Code, the said Authority rightly rejected the application. No relief can be granted in absence of any challenge to the approved resolution plan. We find no merit in this appeal, it is accordingly dismissed. No cost.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

am/uk