

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 758 of 2020

IN THE MATTER OF:

Telecom Regulatory Authority of India

...Appellant

Versus

Aircel Ltd. & Anr.

...Respondents

Present:

**For Appellant: Mr. Abhishek Kumar and Ms. Maneesha Dhir,
Advocate.**

For Respondents: Mr. Anoop Rawat, Advocate for R-1.

**Mr. Dhruv Dewan and Ms. Harshita Choubey,
Advocates for R-2.**

ORDER
(Through Virtual Mode)

08.09.2020: The main issue raised in this appeal is that the Resolution Plan has been approved with modifications which are beyond the jurisdiction of the Adjudicating Authority and that the application of the Appellant under Section 60(5) of the I&B Code which had been heard and in which order had been reserved has not been decided before approval of the Resolution Plan by the Adjudicating Authority.

Issue notice upon Respondents. Notice on behalf of Respondent No.1 (Resolution Professional) is waived and accepted by Shri Anup Rawat, Advocate. Notice on behalf of Respondent No. 2 (Successful Resolution Applicant) is waived and accepted by Shri Dhruv Dewan, Advocate. Service is complete. No further notice to be issued upon these Respondents.

Reply affidavits may be filed by the Respondents within 20 days. Rejoinder, if any, thereto may be filed by the Appellant within 10 days thereof. Learned counsels for the parties may also file their short written submissions, not exceeding three pages, alongwith their pleadings.

List the appeal 'for admission (after notice)' on **13th October, 2020**.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Justice Anant Bijay Singh]
Member (Judicial)

[V. P. Singh]
Member (Technical)

am/gc