

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT) (Insolvency) No. 04 of 2020

IN THE MATTER OF:

Anju Industries

(Through its proprietor Sh. Sanjeev Verma)
Plot No. 146, Industrial Area Phase 1,
Chandigarh- 160 002

...Appellant

Vs

**Supervising Agency of
Rishi Ganga Power Corporation Ltd.**

Kundan Care Products Ltd.,
1st Floor, 43/4, Purvi Patel Nagar,
New Delhi.

....Respondent

Present:

For Appellant: Mr. S.P. Singh Chawla, Advocate

For Respondent: Ms. Harimohana. N, Advocate

ORDER

03.03.2020 Heard learned Counsel for Appellant. Perused Impugned Order. Heard Advocate, Ms. Harimohana for Respondent- Successful Resolution Applicant.

2. Learned Counsel for the Appellant submits that the Appellant had filed its claim when Corporate Insolvency Resolution Process (in short '**CIRP**') was pending in the matter of Corporate Debtor, Rishi Ganga Power Corporation Ltd. Learned Counsel submits that the claim was filed before the Resolution Professional on 26.10.2018 and at that time already Resolution Plan, approved by Successful Resolution Applicant, was pending for consideration before the Adjudicating Authority (National Company Law Tribunal), Chandigarh Bench and the Counsel states that when such claim at Annexure-A5 (page-60) was filed, the Adjudicating Authority had directed (Annexure-A8, pages 96-97) that the

Application stands disposed of with a direction that the Application No. 510/2018, copy of which has been supplied, be treated as representation to be decided by the Monitoring Agency. It is stated that there was direction to the Resolution Applicant to dispose of the representation within a period of one month from the date of order. Learned Counsel states that this was not done and subsequently, the Supervising Agency on 09.05.2019 communicated that such Resolution Plan, which had been approved provided an amount had been earmarked for the local area Operational Creditor and the Appellant does not fall in that category and so his claim was rejected.

3. Learned Counsel for the Appellant states that as the Monitoring Agency had not responded within time, the Application No. 341/2109 was filed claiming that there was contempt. The Adjudicating Authority held that there was no contempt and disposed of the Application as having no merit with further observation that the order would not preclude the Applicant from challenging the order dated 07.12.2018 (Annexure-A8).

4. Learned Counsel for the Appellant submits that the claim of the Appellant should have been considered and it has been wrongly rejected by the Monitoring Agency and the Adjudicating Authority has failed to give relief to the Appellant.

5. Having gone through the matter, in our view when the process of CIRP had reached a stage of Resolution Plan, being for consideration before the Adjudicating Authority, it was not stage where a fresh hydra head could be entertained before the Adjudicating Authority with a new claim. In our view acceptance of such claim at that stage was itself not justified and thus we do not

find any merit in going through the claim with regard to follow up before the Supervising Agency and the subsequent Application moved which has also been disposed of by the Adjudicating Authority by the Impugned order.

6. We find no reason to interfere in the Impugned Order. The Appeal is dismissed. No costs.

[Justice A.I.S. Cheema]
Member (Judicial)

[Justice Anant Bijay Singh]
Member (Judicial)

(Kanthi Narahari)
Member(Technical)

Akc/Mn