

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 475 of 2020**

**IN THE MATTER OF:**

**NBCC (India) Ltd.**

**...Appellant**

**Versus**

**ICICI Bank Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellants: Mr. Mohit Kishore and Ms. Raveena Rai, Advocates.**

**For Respondents: Mr. Arun Kathpalia, Sr. Advocate with Ms. Misha, Advocate for R-1.**

**Mr. Amar Gupta and Mr. Ashish Joshi, Advocates for R-2 (YEIDA)**

**Mr. L. K. Bhushan, Advocate for R-3.**

**Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-4 (RP).**

**Mr. Bishwajit Dubey, Mr. Uday Khare and Aditya Marwah, Advocates for R-5 (IDBI)**

**Ms. Mahima Sareen, Advocate**

**Ms. Manasi Chatpaliwar, Advocate**

**Mr. Shivam Pandey, Advocate.**

**With**

**Company Appeal (AT) (Insolvency) No. 478 of 2020**

**IN THE MATTER OF:**

**Jaiprakash Associates Ltd.**

**...Appellant**

**Versus**

**IDBI Bank Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant:** Mr. Krishnan Venugopal, Sr. Advocate with Mr. Vishal Gupta, Advocates.

**For Respondents:** Mr. Bishwajit Dubey, Mr. Uday Khare and Aditya Marwah, Advocates for R-1 (IDBI)

Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-2 (RP).

Ms. Mansi Chatpaliwar, Advocate for R-3.

Mr. Arun Kathpalia, Sr. Advocate with Ms. Misha, Advocate for R-4. (ICICI)

Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for R-5 (NBCC).

Ms. Mahima Sareen, Advocate

Mr. Shivam Pandey, Advocate

**With**

**Company Appeal (AT) (Insolvency) No. 480 of 2020**

**IN THE MATTER OF:**

**Jaypee Aman Owners Welfare Association**

**...Appellant**

**Versus**

**NBCC (India) Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant:** Mr. P. Nagesh and Mr. Harshal Kumar, Advocates.

**For Respondents:** Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for R-1 (NBCC).

Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-2 (RP).

Mr. Bishwajit Dubey, Mr. Uday Khare and Aditya Marwah, Advocates for R-3 (IDBI).

Ms. Mansi Chatpaliwar, Advocate

Mr. Shivam Pandey, Advocate

**With**

**Company Appeal (AT) (Insolvency) No. 486 of 2020**

**IN THE MATTER OF:**

**Anuj Jain, Interim Resolution Professional  
Jaypee Infratech Limited**

**...Appellant**

**Versus**

**NBCC (India) Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant: Mr. Sumant Batra and Ms. Niharika Sharma,  
Advocates.**

**For Respondents: Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for  
R-1 (NBCC).**

**Mr. Bishwajit Dubey, Mr. Uday Khare and Mr. Aditya  
Marwah, Advocates for R-2 (CoC – through IDBI).**

**Mr. Vishal Gupta, Advocate for R-3.**

**Ms. Misha, Advocate for ICICI.**

**Mr. Amar Gupta, Advocate for YEIDA**

**Ms. Mansi Chatppliwari, Advocate**

**Mr. Shivam Pandey, Advocate**

**With**

**Company Appeal (AT) (Insolvency) No. 488 of 2020**

**IN THE MATTER OF:**

**Yes Bank Ltd.**

**...Appellant**

**Versus**

**Anuj Jain, Interim Resolution Professional  
Jaypee Infratech Limited & Anr.**

**...Respondents**

**Present:**

**For Appellant:** Mr. Amit Sibal, Sr. Advocate with Mr. Anush Raajan, Advocate.

**For Respondents:** Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-1 (RP).

Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for R-2 (NBCC).

Mr. Krishnan Venugopal, Sr. Advocate for Jaypee Healthcare Ltd.

Ms. Mansi Chatpaliwar, Mr. Shivam Pandey, Advocates

**With**

**Company Appeal (AT) (Insolvency) No. 489 of 2020**

**IN THE MATTER OF:**

**Ashish Mohan Gupta & Anr.**

**...Appellant**

**Versus**

**NBCC (India) Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant:** Mr. Buddy A. and Mr. Raunak Jain, Advocates.

**For Respondents:** Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for R-1 (NBCC).

Mr. Bishwajit Dubey, Mr. Uday Khare and Mr. Aditya Marwah, Advocates for R-2 (IDBI).

Mr. Arun Kathpalia, Sr. Advocate with Ms. Misha, Advocate for R-3. (ICICI)

Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-4 (RP).

Mr. Amar Gupta and Mr. Ashish Joshi, Advocates for R-5 (YEIDA)

Mr. Jatinder Singh Dhatt, Advocate for R-6.

Mr. L. K. Bhushan, Advocate for R-7.

Ms. Mansi Chatpaliwar, Mr. Shivam Pandey, Advocates.

**With**

**Company Appeal (AT) (Insolvency) No. 506 of 2020**

**IN THE MATTER OF:**

**Wish Town Home Buyers Welfare Society**

**...Appellant**

**Versus**

**NBCC (India) Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant: Mr. Manish Kr. Bishnoi and Mr. Raunak Jain, Advocates.**

**For Respondents: Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for R-1 (NBCC).**

**Mr. Bishwajit Dubey, Mr. Uday Khare and Mr. Aditya Marwah, Advocates for R-2 (IDBI).**

**Mr. Arun Kathpalia, Sr. Advocate with Ms. Misha, Advocate for R-3. (ICICI)**

**Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-4 (RP).**

**Mr. Amar Gupta and Mr. Ashish Joshi, Advocates for R-5 (YEIDA)**

**Mr. Jatinder Singh Dhatt, Advocate for R-6.**

**Mr. L. K. Bhushan, Advocate for R-7.**

**Ms. Mansi Chatpaliwar, Mr. Shivam Pandey, Advocates.**

**With**

**Company Appeal (AT) (Insolvency) No. 547 of 2020**

**IN THE MATTER OF:**

**Rajesh Gupta & Ors.**

**...Appellants**

**Versus**

**NBCC (India) Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellants: Mr. P. Nagesh and Mr. Harshal Kumar, Advocates.**

**For Respondents: Mr. Mohit Kishore and Ms. Raveena Rai, Advocates for R-1.  
Mr. Sumant Batra and Ms. Niharika Sharma Advocates for R-2 (RP).**

**With**

**Company Appeal (AT) (Insolvency) No. 544 of 2020**

**IN THE MATTER OF:**

**Pankaj Sharma & Ors.**

**...Appellants**

**Versus**

**NBCC (India) Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellants:**

**For Respondents: Mr. Mohit Kishore, Advocate for R-1.  
Mr. Sumant Batra, Advocate for R-2.**

**O R D E R**  
**(Through Virtual Mode)**

**15.07.2020:** Shri Sumant Batra, learned counsel for the Interim Resolution Professional has filed the Table of Common Issues in nine appeals in compliance of order dated 19<sup>th</sup> June, 2020. Same is taken on record. Copies thereof have been provided to learned counsel for the parties in all the appeals. They have expressed their satisfaction with regard to the categorization of the appeals in five categories with reference to the issues which are common inter-se some of the parties. Mr. Sumant Batra submits that in Bunch V appeal titled 'Jaypee Aman Owners Welfare

Association Vs. NBCC (India) Ltd. & Ors.’ has inadvertently been wrongly recorded as Company Appeal (AT) (Insolvency) No. 475 of 2020 which may be read as Company Appeal (AT) (Insolvency) No. 480 of 2020. The error is permitted to be rectified. Registry is directed to tag the files in conformity with this classification/ categorization, so that the appeals are taken up conveniently category-wise.

On a specific query, Mr. Sumant Batra, learned counsel for Interim Resolution Professional stated that while issues are distinct to each category which are clearly identified in the categorised compilation, the issue in regard to jurisdiction of the Adjudicating Authority under Section 31 of the I&B Code and modification of the Resolution Plan approved by the Committee of Creditors would have to be looked into while dealing with all categories. A consensus has emerged at the Bar that the matters listed at Category IV be taken first for hearing.

Having regard to the fact that ‘Jaiprakash Associates Ltd.’ and ‘Shri Manoj Gaur, Member of the Suspended Board of Directors of Jaypee Infratech Ltd.’ who filed I.A. No. 1508/2020 seeking impleadment as party respondents in ‘Company Appeal (AT) (Insolvency) No. 475 of 2020 have already preferred an appeal – ‘Company Appeal (AT) (Insolvency) No. 478 of 2020, objections raised by Dr. U. K. Chaudhary, learned counsel for the Appellant – NBCC (India) Ltd. in respect of their impleadment cannot be sustained. Being necessary parties they are impleaded as Party Respondent Nos. 6 and 7. Necessary amendment/ endorsement in appeal paper book & Memo of Parties may be made accordingly.

Notice on newly impleaded Respondent Nos. 6 and 7 is accepted by Mr. Krishnan Venugopal, Sr. Advocate. He may file reply affidavit within one week. Rejoinder, if any, may be filed within one week thereof.

The matter will now come up 'for admission (after notice)' qua appeals listed under Category No. IV on **17<sup>th</sup> August, 2020**.

It will be open for learned counsels for the parties to file compilation of judgments which they intend to rely upon.

Mr. Rangarajan, learned counsel representing some of the Home Buyers submits that there is no representation on behalf of the Home Buyers in the Monitoring Committee. He may point out the issue when Category IV Appeals are taken up, so that appropriate order can be passed after considering the report submitted by Mr. Sumant Batra, Advocate for the IRP.

**[Justice Bansi Lal Bhat]  
Acting Chairperson**

**[Justice Anant Bijay Singh]  
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]  
Member (Technical)**

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