

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT)(Insolvency) No. 1061 of 2019

IN THE MATTER OF:

Aliasgar Mohammed Lokhandwala

...Appellant

Vs

Dalmia Group Holdings

....Respondent

Present:

For Appellant: Mr. Arun Kathpalia, Sr. Advocate along with Mr. Yusuf Iqbal Yusuf, Mr. Bhavya Sethi and Ms. Anvee Mehta Advocates.

Ms. Gyanika Kochar, Advocate

For Respondent: Mr. Shikhil Suri, Mr. Shiv Kumar Suri and Ms. Shilpa Saini, Advocates.

Mr. Vikky Dang, Advocate for IRP.

Mr. Tarun Mehta, Advocate for Intervener.

ORDER

16.10.2019 Dalmia Group Holdings (Financial Creditor) filed an application under Section 7 of Insolvency & Bankruptcy Code, 2017 (in short 'IBC') against 'Lokhandwala Infrastructure Private Limited' (Corporate Debtor) which has been admitted by impugned order dated 19th September, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench.

Mr. Arun Kathpalia, learned Sr. Counsel for the Appellant Director/Shareholder submits that before constitution of 'Committee of Creditors', the parties had reached a terms of settlement on 10.10.2019 and the written terms of settlement has been signed today, on 16.10.2019, a copy of which has been filed.

The aforesaid fact has also been accepted by Ms. Shilpi Saini, learned Counsel appearing on behalf of Dalmia Group Holdings (Financial Creditor).

Learned Counsel for the Appellant submits that the Appellant will pay the admitted fee and cost of the Interim Resolution Professional.

One Mr. Vikky Dang, Advocate appeared on behalf of the Interim Resolution Professional when the matter was taken up. However, in view of the fact that the Appellant has admitted to pay the Resolution cost and fee of the Interim Resolution Professional, no reply affidavit required to be filed by the Interim Resolution Professional.

In view of aforesaid developments and as terms of settlement has been reached between the Appellant and the Financial Creditor prior to the constitution of 'Committee of Creditors', this Appellate Tribunal in exercise of power conferred by Rule 11 of the NCLAT Rules 2016, set aside the impugned order dated 19.09.2019 passed in CP(IB) No. 1023/NCLT/MB/2019. The Corporate Debtor(Company) is released from all the rigour of law and is allowed to function independently through its Board of Directors from immediate effect. The Interim Resolution Professional will hand over the records and the premises of the Corporate Debtor on receipt of fee and cost.

The appeal is allowed with the aforesaid observations and directions. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

(Kanthi Narahari)
Member(Technical)

Akc/Sk