

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins.) No. 169 of 2021

IN THE MATTER OF:

State Bank of India

....Appellant

Vs.

Peter Beck und Peter Vermoögensverwaltung Ltd. &Respondents
Ors.

Present:

**For Appellant: Mr. Bishwajit Dubey, Ms. Srideepa Bhattacharyya
and Ms. Neha Shiv Hara, Advocates.**

**For Respondents: Mr. Ankur Kashyap, Mr. Ajith Ranganathan,
Mr. Rohit Rajershi and Mr. Abhay Singh, Advocates
for R-1.
Mr. Abhishek Kumar for IBBI/R-2.**

O R D E R

(Virtual Mode)

08.03.2021: Heard Learned Counsel for the Appellant. The Appellant claims that in this matter the S.R.A has failed to act in terms of the Resolution Plan approved and Adjudicating Authority (National Company Law Tribunal), Mumbai Bench passed Impugned Orders which are in a way modifying the Resolution Plan by giving time to the Successful Resolution Applicant. The Learned Counsel submits that because of the such Order the Appellant has filed his Appeal seeking that the declaration given in favour of the Respondent No.1 as S.R.A should be withdrawn and the matter should be remitted back to CoC to call further Resolution Plans and giving fresh time of 90 days.

The Learned Counsel was asked as to under which provision such prayers are being made when IBC provides that where the Resolution Plan has been contravened Section 33 (4) will apply.

The Learned Counsel however, points out that in another Appeal by another Financial Creditor in Company Appeal (AT) (Ins.) No. 161 of 2021 already Notice has been issued and the Impugned Order has been stayed on 05.03.2021.

It is stated that said Appeal is similar. Before issuing notice we want to satisfy that the Appeal needs to be entertained. List the present Appeal along with *Company Appeal (AT) (Ins.) No. 161 of 2021* on **12th April, 2021**.

Registry to take steps to tag both these Appeals, and list before appropriate Bench.

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

**[Dr. Alok Srivastava]
Member (Technical)**

sa/md