

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 364 of 2021

In the matter of:

Ronak Kundanlal Bhagat & Ors.

....Appellants

Vs.

**Parthiv Parikh
(RP of Sanghvi Forging and
Engineering Ltd.) & Ors.**

....Respondents

Present

For Appellants: Mr. Pulkit Kapoor, Mr. Janak Bathiya, Mrs. Shraddha Swarup & Mr. Anirudh Suresh, Advocates.

For Respondents: Mr. Dheeraj Garg (PCS) & Jaimin R Dave, for R-1.

**Mr. Diwakar Maheshwari, Mr. Vishnu Shriram,
Mr. Tarak Damani, Mr. Kingshuk Banerjee &
Mr. Aditya V Singh, for R-3/ SRA.**

**Mr. Bishwajit Dubey, Srideepa Bhattacharyya &
Ms. Neha Shivhare, for R-4 & 5.**

ORDER
(Virtual Mode)

21.05.2021: Heard Learned Counsel for the Appellant representing shareholder of the Corporate Debtor submits that the Promoters of the Corporate Debtor are ready to pay the equal amount which is accepted by the Successful Resolution Applicant. The Appellants have a good case in Appeal. Therefore, the CIRP may be stayed, till next date of hearing.

Learned Counsel appearing on behalf of the Resolution Professional/R-1 submits that the Appellants being a Shareholders have not raised any objection before the Adjudicating Authority, therefore, they have no locus-standy to file this Appeal. It is also submitted that by the Impugned Order Learned

Adjudicating Authority approved the Resolution Plan, therefore, in view of Section 61(3)(ii) the Appeal can only be filed on the grounds of material irregularity in exercise of powers by the Resolution Professional during the Corporate Insolvency Resolution Period. However, Learned Counsel for the Appellants have not point out any material irregularity in exercising the powers by the Resolution Professional. Therefore, the Appeal is not maintainable and liable to be dismissed at threshold.

It is further submitted that this Appellate Tribunal vide Order 02.12.2019 vacated the stay over the CIRP considering the one-time settlement proposal by Suspended management till 31.12.2019. However, they failed to act upon the one-time settlement proposal in time frame therefore, the IRP made fresh paper publication for calling expression of interest on 13.01.2020. In 13th Meeting COC has approved the Resolution Plan by 100% voting share in favour of the Resolution Plan and the Learned Adjudicating Authority by the Impugned Order approved the Resolution Plan. In such circumstances, it is requested that the Appeal be dismissed at motion stage.

We have considered the submissions we are of the view that Learned Counsel for the Appellants has failed to point out that there is any material irregularity in exercise of powers by the Resolution Professional during the Corporate Insolvency Resolution Period. The Promoters are failed to comply their one-time settlement proposal till 31st December, 2019.

We find no ground to interfere in the Impugned Order. The Appeal is dismissed summarily. No Costs.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

Sim/Md