

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 770 of 2018

IN THE MATTER OF:

Shearson Investment and Trading Company Pvt. Ltd. ...Appellant

Vs

Edelweiss Asset Reconstruction Co. Ltd. & Anr. Respondents

Present:

For Appellant: Ms. Anju Jain and Mr. Hitesh Sachar, Advocates.

**For Respondents: Mr. Vikram Trivedi, Ms. Suchitra Valija and
Ms. Babita Kushwaha, Advocates for R-1.**

ORDER

15.03.2019: The Corporate Insolvency Resolution Process having initiated against 'M/s Birla Cotysn (India) Ltd.', the Appellant shareholder has filed appeal against the order of initiation dated 20th November, 2018. The said order was passed on application under Section 7 filed by Respondent – 'Edelweiss Asset Reconstruction Co. Ltd.'. Earlier when the matter was taken up, learned counsel for the Appellant submitted that the Respondent has shown due of Rs.29,85,67,332.79/- as on 4th April, 2018 and filed application under Section 7 of the I&B Code. During the admission, the Appellant made an offer to pay a sum of Rs.41 core approx. towards settlement but inspite of the same application under Section 7 was admitted.

2. Learned counsel appearing on behalf of the Respondent submitted that total amount due to the Respondent is more than Rs.240 Crore. The Joint Lenders due is more than Rs.581 Crores. The offer for payment of Rs.41 Crore

was placed before the Joint Lender Forum, which was not accepted. At this stage, prayer was made by the Appellant to allow the Appellant to settle the claim but we are not inclined to allow further time for settlement time having already allowed since 13th December, 2018 and Appellant having failed.

3. In the circumstance, we have no other option but to dismiss the appeal in absence of any merit. However, this order will not come in the way of the Appellant to take steps under Section 12A of the I&B Code.

[Justice S. J. Mukhopadhaya]
Chairperson

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

am/gc