

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 09 of 2021

In the matter of:

Arham Steels **....Appellant**

Vs.

NIIL Infrastructure Pvt. Ltd & Ors. **....Respondents**

Present:

Appellant: Mr. Nakul Dewan, Senior Advocate with Ms. Anushka Shah, Ms. Nishtha Wadhwa, Mr. Deepak Khurana, Mr. Vineet Tayal, Advocates.

Respondents: Ms. Nisha Malpani (R1 in person)
Mr. Asish Makhija, Mr. Anurag Bhatt, Advocates for R1.

Company Appeal (AT) (Insolvency) No. 10 of 2021

In the matter of:

Annapurna Steel Company **....Appellant**

Vs.

NIIL Infrastructure Pvt. Ltd & Ors. **....Respondents**

Present:

Appellant: Mr. Deepak Khurana, Mr. Vineet Tayal, Ms. Nishtha Wadhwa, Advocates.

Respondents: Ms. Nisha Malpani (R1 in person)
Mr. Asish Makhija, Mr. Anurag Bhatt, Advocates for R1.

Company Appeal (AT) (Insolvency) No. 12 of 2021

In the matter of:

Ram Swaroop Ramesh Chand **....Appellant**

Vs.

NIIL Infrastructure Pvt. Ltd & Ors. **....Respondents**

Present:

Appellant: Mr. Deepak Khurana, Mr. Vineet Tayal, Ms. Nishtha Wadhwa, Advocates.

Respondents: Ms. Nisha Malpani (R1 in person)
Mr. Asish Makhija, Mr. Anurag Bhatt, Advocates for R1.

Contd/-.....

ORDER

(Through Virtual Mode)

12.01.2021: The impugned order dated 4th November, 2020 modified on 26th November, 2020 by the Adjudicating Authority (National Company Law Tribunal), Principal Bench at New Delhi, approving the Resolution Plan of consortium of Shilendra Khirwar and Ors. (Resolution Applicants) qua Corporate Debtor- 'NIIL Infrastructure Private Limited' is assailed in the instant batch of three appeals on a variety of grounds including the allegation that one of the constituent of the Resolution Applicants is ineligible under Section 29A of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) and that an application for avoidance of transaction under Sections 43, 45 and 66 of the 'I&B Code' was pending at the time of approval of the Resolution Plan.

Issue notice upon Respondents. Notice on behalf of Respondent No.1 is waived and accepted by Mr. Anurag Bhatt, Advocate. No further notice need be issued to him. Let notice be issued on Respondent Nos.2 to 5. Appellant to provide mobile Nos./ e-mail address of the Respondent Nos.2 to 5. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within two days.

Implementation of the approved Resolution Plan may go on but the same shall be subject to the outcome of these appeals.

List the appeal 'for admission (after notice)' on 11th February, 2021.

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

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

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

AR/g