

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 84 of 2021**

In the matter of:

SM Milkose Ltd. & Anr.

....Appellants

Vs.

**Parvinder Kumar Bhatt, Deputy Zonal Manager, Bank
of India & Ors.**

....Respondents

Present:

Appellants: Mr. Manish Kaushik, Advocate.

Respondents:

ORDER

(Through Virtual Mode)

12.02.2021: One of the issues raised by the Appellant/ Successful Resolution Applicant in this appeal filed against rejection of application of Appellant in terms of the impugned order dated 23rd December, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench-II is that all stakeholders including the Financial Creditors were bound to adhere to the terms of the Resolution Plan and there was no reason for the Resolution Professional to revise the claim of the Respondent Bank to Rs.41.5 Crores after having accepted its claim of Rs.9.6 Crores.

Mr. Manish Kaushik, Advocate representing the Appellant submits that the Adjudicating Authority has overlooked the terms of the approved Resolution Plan and erroneously held that the amount paid prior to approval of the Resolution Plan to the Respondent Bank during Moratorium period could not be treated as amount payable under the Resolution Plan.

Contd/-.....

Issue notice upon Respondents. Appellant to provide mobile Nos./ e-mail address of the Respondents. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the appeal 'for admission (after notice)' on 3rd March, 2021 before Court No.II.

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

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

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

AR/g