

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 2175 of 2024

IN THE MATTER OF:

Pakhi Infra & Ors.

...Appellants

Versus

Jabalpur MSW Pvt. Ltd.

...Respondents

Present:

For Appellant : Mr. Harsh Parashar, Mr. N. Sai Vinod and Mr. Kanu Garg, Advocates.

For Respondents : Mr. Abhijeet Sinha Sr. Counsel with Mr. Vinod Chaurasia, Mr. Auritro Mukherjee, Advocates for Respondents.

Mr. Krishnendu Datta Sr. Advocate with Mr. Prithu Garg, Mr. Parth Bhatia, Mr. Akhil Nene, Advocates for SRA.

Mr. Abhijeet Sinha Sr. Advocate with Mr. Vinod Chaurasia, Mr. Sajjan Kumar Dokania, Advocates for RP/ R2.

O R D E R
(Hybrid Mode)

22.11.2024: Heard counsel for the appellant.

This appeal has been filed against the order dated 21.10.2024 on intervention petition no. 39 of 2024. The appellant represents the operational creditor who have filed their claim in the CIRP of the corporate debtor their admitted claim was Rs.3.4 crores. The appellant's intervention application have been disposed of by Adjudicating Authority observing that at this stage Adjudicating Authority is not inclined to pass any direction in respect of the prayer (b) where the applicant has prayed that resolution professional be

directed to provide applicant with the copy of resolution plan/ any other relevant documents pertaining to CIRP.

2. Ld. Counsel for the appellant submits that in the resolution plan only total of Rs.1 Lakh has been proposed to be paid to the operational creditor whereas their admitted dues was Rs.3.4 crores. Ld. Counsel for the appellant submits that unless the appellant is provided the relevant extract of the resolution plan no detailed objection can be filed.

3. Ld. Counsel for the RP as well as the Ld. Counsel for the SRA opposed the prayers made by the appellant and submits that it was always open for the appellant to file objections to the resolution plan which is pending before Adjudicating Authority for approval. Once intervention application was withdrawn and thereafter other invention application was filed.

4. we have considered the submission of the counsel for the parties. We are not persuaded with the submission of the appellant that RP be directed to provide the extract of the resolution plan. Till the resolution plan is approved by the Adjudicating Authority no part of the plan can be given to the applicant on his application.

5. We thus do not find any error in order rejecting the prayer seeking a direction to provide the extract of the resolution plan. However, we are of the view that as operational creditor, who is the part of the CIRP the appellant has every right to file an objection. Ld. Counsel for the respondent informs that on 29.12.2024 is the next date fixed before Adjudicating Authority. It shall be
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open for the appellant to file his objection to the resolution plan by the next date which may be considered and decided in accordance with law. Subject to above, the appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

harleen/NN