

**NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH
COURT No. 1
VC AND PHYSICAL (HYBRID) MODE**

ITEM No. 101
CP (IB) No. 150/CTB/2019

CORAM:

1. SH. CHEEKATI RADHA KRISHNA,
HON'BLE MEMBER (JUDICIAL)
2. SH. BANWARI LAL MEENA,
HON'BLE MEMBER (TECHNICAL)

Date of Order: 11th May, 2026

PROCEEDINGS UNDER SECTION 7(5)(a) of IBC-2016

IN THE MATTER OF:

VINITA AGARWALA & ORS.

.....Applicant

V/S

POWER PACK STEEL INDUSTRIES PVT. LTD.

....Respondent

PRESENT:

For the Applicants : Ms. Sonal Shah, Adv.
Mr. Kushagra Shah, Adv.

For the Respondents : Mr. Saswat Kumar Acharya, Adv
Mr. Subham Agrawal, Adv.

ORDER

Per:- BANWARI LAL MEENA, MEMBER (TECHNICAL)

Ld. Counsel Ms. Sonal Shah appeared through VC for the FC.

Ld. Counsel Mr. S.K. Acharya appeared for the Respondent.

CP (IB) No. 150/CTB/2019 was dismissed on 07.01.2022 by this Tribunal. The same was challenged before the Hon'ble NCLAT. The Hon'ble NCLAT vide order dated 04.02.2026 in CA (AT) (Ins) No. 436/2022 has set aside the order of this adjudicating authority directing to admit the Section 7 application and pass the consequential order after four weeks from the date of NCLAT order.

The Hon'ble appellate authority in the same order at Para 39 also granted 30 days

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(Stenographer)

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from the date of its order to the CD to discharge its debt and directed it to file necessary proof of discharge of debt before this adjudicating authority to take into consideration such proof of payment before passing any orders.

On last date of hearing the Ld. Counsel for the Respondent had made specific request that since a period of 30 days was granted to the CD in terms of para 39 of the Hon'ble NCLAT order, hence, a period of 30 days may be allowed from the date of order of Hon'ble Supreme Court dismissing the appeal of the CD challenging the order of Hon'ble NCLAT. In the interest of justice time of 15 days was granted to the Counsel for Respondent to seek necessary instructions in regard to discharge of debt by CD.

The Ld. Counsel for the Respondent submitted today that he has no instructions in respect of the repayment of debt and hence he has no objection, if the CD is admitted into CIRP.

1. In this regard, the relevant directions issued by the Hon'ble NCLAT in para 39 of its order dated 04.02.2026 are reproduced below for better appreciation of facts:-

“ 39. In view of the above observations and our conclusion, we allow the appeal in following manner:-

(I) The order dated 07.01.2022 passed by the Adjudicating Authority rejecting Section 7 application is set aside. Adjudicating Authority is directed to admit Section 7 application and pass consequential order after four weeks from today.

(II) It shall be open for Corporate Debtor to discharge the debt with in the period of 30 days from today and file proof of discharge of debt before the Adjudicating Authority and in event, Adjudicating Authority is satisfied that the Corporate Debtor has discharged the debt, the said fact shall be taken into consideration by the Adjudicating Authority while passing the consequence order.

Parties shall bear their own costs”

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Since, the Respondent CD has failed to comply with the directions of NCLAT to discharge the debt liability towards the applicant, the application filed under Section 7 is allowed as per the direction of the Hon'ble NCLAT and accordingly CD is admitted into CIRP.

2. A moratorium is declared under Section 14 of the Insolvency and Bankruptcy Code, 2016, prohibiting the following actions in terms of Section 14(1) of the Code:
 - a. The institution of suits or continuation of pending suits or proceedings against the CD, including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
 - b. Transferring, encumbering, alienating or disposing of by the CD any of its assets or any legal right or beneficial interest therein;
 - c. Any action to foreclose, recover or enforce any security interest created by the CD in respect of its property, including any action under the
 - d. Securitization and Reconstruction of Financial Assets and Enforcement of Security interest Act,2002;
 - e. The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the CD.
 - f. The moratorium shall remain in force from the date of this order till the completion of the CIRP or until this Adjudicating Authority approves a resolution plan under section 31(1) of the code or passes an order for liquidation of the CD under Section 33 of the Code, whichever is earlier.
3. The applicant has proposed the name of Yogesh Gupta having Registration No. IBBI/IPA001/IP-00349/2017-18/10650 as the IRP. However, it is noted from the records of IBBI website that the concerned Insolvency Professional does not hold a valid Authorization for Assessment (AFA) as on today and the same has expired on 31.12.2025. Hence, it is not possible to appoint him as the IRP.

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4. Accordingly, we hereby appoint **Mr. Deepak Kumar Jain** having **Registration No. IBBI/IPA-001/IP-P-02284/2020-21/13507 (9826250720)**, as the Interim Resolution Professional (IRP) in terms of Section 16(4) of the Code.
5. The IRP may be appointed as RP by CoC separately in accordance with the provisions of the Code and the rules and regulations made thereunder, subject to confirmation of possession of a valid Authorization for Assignment in terms of Regulation 7A of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016.
6. The IRP so appointed shall make a public announcement of the initiation of the CIRP and call for submission of claims in terms of Section 15 read with Section 13(1)(b) of the Code.
7. The supply of essential goods or services to the corporate debtor, if continuing, shall not be terminated, suspended, or interrupted during the moratorium period. The CD shall extend full assistance and co-operation to the IRP in discharge of his duties as and when he takes charge of the assets and management of the CD.
8. The IRP shall perform all its functions as contemplated, inter alia, by sections 17,18,20 & 21 of the Code. It is further made clear that all personnel connected with CD, its Promoter or any other person associated with the management of the CD are under a legal obligation under Section 19 of the Code to extend every assistance and co-operation to the IRP. Where any personnel of the CD, its Promoter, or any other person is required to assist or co-operate with IRP, but does not assist or co-operate, the IRP is at liberty to make an appropriate application to this Adjudicating Authority with a prayer for passing an

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appropriate order.

9. The IRP shall be under a duty to protect and preserve the value of the property of the CD and manage the operations of the CD as a going concern as a part of the obligation imposed by Section 20 of the Code.
10. The IRP/RP shall submit periodic progress reports before this Adjudicating Authority in accordance with the provisions of the Code and the regulations framed thereunder.
11. The FC shall deposit an initial amount of Rs.2,00,000/- (**Rupees Two Lakhs only**) within **3 days** (Three days) from the date of receipt of this order towards the expenses of the CIRP. Proof of such deposit shall be filed before this Adjudicating Authority along with the first progress report. The IRP shall be at liberty to seek further interim finance, as required, in accordance with law.
12. Further, the Registry is directed to communicate a copy of this order to the Financial Creditor, the Corporate Debtor, the Interim Resolution professional and the concerned Registrar of Companies within seven working days and upload the same on the website of this Tribunal immediately after pronouncement.
13. The IRP shall also serve a copy of this order upon statutory authorities including the Income Tax Department, GST authorities, State commercial Tax Department, Provident Fund authorities and such other authorities as may have claims against the Corporate Debtor, as well as employees or workmen associations, if any.
14. The Corporate Insolvency Resolution Process shall commence from the date of this order.
15. The Resolution Professional shall submit reports and compliances before this Adjudicating Authority strictly in accordance with the timelines prescribed under the Code and the regulations made thereunder.

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16. The application bearing CP(IB) No. 150/CTB/2019 stands **ALLOWED**.

Sd

**BANWARI LAL MEENA
MEMBER (TECHNICAL)**

Sd

**CHEEKATI RADHA KRISHNA
MEMBER (JUDICIAL)**