NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 77 of 2025

IN THE MATTER OF:

Siddhant Agarwal
Member of The Suspended Board of
Oban Fashions Pvt. Ltd. **...Appellant**

Versus

Sunrise Knitting Mills Pvt. Ltd. & Anr. **...Respondents**

Present:

For Appellant:	**Mr. Abhijeet Sinha, Sr. Advocate with Mr. Animesh Kumar, Advocate.**
For Respondents:	**Mr. Amey Hadwale, Advocate.**

O R D E R
(Hybrid Mode)

26.05.2025: This appeal has been filed against the order dated 07.01.2025 passed by NCLT, Mumbai Bench, Court No.6 admitting Section 9 application filed by the Operational Creditor-Respondent No.1 herein.

2. When the appeal was taken, learned counsel for the Appellant submits that Appellant is ready to deposit the amount of Rs.157 Lakhs before the Registry and interim order was passed on 16.01.2025, which as modified on 27.01.2025 is to the following effect:

> *"Subject to Appellant depositing the amount of Rs. 157 Lakhs before the Registrar NCLAT in interest bearing account in fixed deposit within two weeks from today, IRP shall not take any further steps."*

Cont'd.../

3. Subsequently, Appellant has informed the Court that entire amount has been deposited. Learned counsel for the Respondent took time to obtain instructions and on 28.04.2025 we passed following order:

*"**ORDER**
(Hybrid Mode)*

> ***28.04.2025:*** *Learned counsel for the appellant submits that appellant is a subsidiary of listed company and decision of board is required for settlement, although, the appellant has deposited the entire amount and is ready to settle.*
>
> ***2.*** *Learned counsel for the appellant prays that this appeal be taken up on 26.05.2025. Before that date, the appellant shall bring the resolution of the board on record, if any.*
>
> *List this appeal on **26th May, 2025**.*
>
> *Interim order to continue.*
>
> *We make it clear that in event, no settlement is entered by that date, matter shall be heard on merits."*

4. Today when the matter was taken, both the parties submit that settlement agreement has been executed on 24.05.2025 where the parties have settled their issues and Operational Creditor has agreed to file an application under Section 12A for withdrawal of the CIRP process in accordance with law.

5. Learned counsel for the Appellant himself submits that as per the Agreement the amount deposited of Rs.157 Lakhs may be released forthwith

in favour of the Respondent – Operational Creditor. Learned counsel for the Operational Creditor submits that application under 12A shall be filed through IRP by giving Form FA within three weeks since there are vacations in the NCLT.

6. In view of the aforesaid, we see no reason to keep this appeal pending. We dispose of this appeal with liberty to the Operational Creditor to file appropriate application under 12A before the Adjudicating Authority within three weeks, which may be decided in accordance with law. Interim protection granted to the Appellant is extended for further period of three weeks and thereafter the proceedings shall proceed in accordance with the order passed by the Adjudicating Authority. Let the amount deposited under orders of this Court be released in favour of the Operational Creditor (Respondent No.1) by the Registry. Appeal is disposed of accordingly.

[Justice Ashok Bhushan]
Chairperson

[Justice N Sesha Sayee]
Member (Judicial)

[Barun Mitra]
Member (Technical)

Archana/nn