



SL. No.1

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

COURT HALL NO: II

Hearing Through: VC and Physical (Hybrid) Mode

**CORAM: SHRI. RAJEEV BHARDWAJ – HON'BLE MEMBER (J)
CORAM: SHRI. SANJAY PURI - HON'BLE MEMBER (T)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 29.01.2025 at 10:30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC) (Plan)/23/2024 in CP (IB) No.716/9/HDB/2019
NAME OF THE COMPANY	RKI Builders Pvt Ltd
NAME OF THE PETITIONER(S)	Sheetal Ispat Pvt Ltd
NAME OF THE RESPONDENT(S)	RKI Builders Pvt Ltd
UNDER SECTION	9 OF IBC

ORDER

IA(IBC)(Plan)/23/2024

Orders pronounced, recorded vide separate sheets. In the result, this IA(IBC)(Plan)/23/2024 is allowed.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)



**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, COURT - II**

**IA (IBC) (Plan) 23 OF 2024
in
CP(IB) NO. 716/9/HDB/2019**

[U/s. 30(6) and 31 of the I&B Code, 2016 r/w Regulation 39(4) of the IBBI (IRPCP) Regulations, 2016]

**In the matter of
M/s.Sheetal Ispat Private Limited vs. RKI Builders Private Limited**

In the matter of:

Mr.Kalvakolanu Murali Krishna Prasad
Resolution Professional of
M/s.RKI Builders Private Limited
H.No.8-72, Plot No.106
Mythripuram Colony, Jillelguda
Vyshalinagar PO, Hyderabad – 500 079

.... Applicant

Order Pronounced on : 29.01.2025

Coram:

**Shri Rajeev Bhardwaj, Hon'ble Member (Judicial)
Shri Sanjay Puri, Hon'ble Member (Technical)**

Parties / Counsels Present:

For the Applicant : Mr. KMK Prasad, RP &
Mrs. JVL Bharati, Advocate

[PER : BENCH]

ORDER

1. The instant Application bearing IA (IBC) (Plan) 23/2024 has been filed on behalf of the Resolution Professional of the Corporate Debtor (**CD**) **M/s. RKI Builders Private Limited**, under Section 30(6) and 31(1) of **IBC**¹, r/w regulation 39(4) of the applicable **Regulations**², seeking approval of the **Modified Resolution Plan**³ dated **04.10.2024**, submitted by the Successful Resolution Applicant (**SRA**) **M/s. Readers Stores India Private Limited** before the COC at the 11th COC Meeting held on 18.10.2024 and e-voting concluded on 26.10.2024, duly approved with 82.14% voting share by the Committee of Creditors (**COC**) out of the aggregate voting share of 91.183% present.
2. The Company Petition CP(IB) No.716/9/HDB/2019 filed by M/s.Sheetal Ispat Private Limited, the Operational Creditor (**OC**) was admitted by this Authority u/s. 9 of IBC, vide Order dated 08.12.2022 ordering commencement of CIRP⁴ against M/s. RKI Builders Private Limited, the CD by appointing Mr. Raj Kumar Sarda as the Interim Resolution Professional (**IRP**). In the 2nd COC Meeting held

¹ Insolvency & Bankruptcy Code, 2016

² IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016

³ Modified Resolution Plan dated 04.10.2024

⁴ Corporate Insolvency Resolution Process

on 03.03.2023, Mr. Kalvakolanu Murali Krishna Prasad was replaced as RP in place of Mr.Raj Kumar Sarada by this Authority, vide Order in IA 482/2023, dated 20.03.2023.

3. After assuming charge as IRP, Public Announcement of the commencement of CIRP was made in Form-A on 11.01.2023 in the newspapers, where the Registered Office of the CD was situated, inviting claims from the Creditors of the CD by fixing the last date for submission of proof of claims as 23.01.2023.
4. After collating all the claims received and determining the financial position of the CD, the IRP constituted the COC, comprising of the following Financial Creditors:
 1. Canara Bank
 2. Axis Bank
 3. SREI Equipment Finance Limited
5. The RP conducted a total of Eleven (11) meetings of the COC during the CIRP.
6. The Applicant invited Expression of Interest (**EOI**) from the Prospective Resolution Applicants (**PRAs**), by issuing Form-G on 22.06.2023. The RP issued final list of PRAs on 11.12.2023, Request for Resolution Plan (RFRP) & Information Memorandum has been shared on the same

day as approved by the COC at its 6th Meeting held on 31.10.2023.

7. After admitting some more claims of the CD, the RP reconstituted the COC on 19.01.2024, comprising of the following Financial Creditors, which was approved by this Authority, vide order dated 12.02.2024.

S.No.	Name of the Financial creditor	Class of Creditor	Voting Share %
1.	Canara Bank Ltd.	Secured Financial Creditors	76.96%
2.	Axis Bank Ltd.		3.01%
3.	SREI Equipment Ltd.		0.81%
4.	TATA Motor Finance Limited		4.24%
5.	Karnataka Bank Limited		3.61%
6.	Kotak Mahindra Bank Limited		9.80%
7.	TATA Capital Finance Limited	Unsecured Financial Creditor	1.57%
Total Voting Share			100%

8. The Registered Valuers appointed by the RP submitted the Fair Value and Liquidation Value of the property as Rs.14.58 crores and Rs.10.64 crores respectively. **The detailed statement is filed as Annexure-1 at pg. no.37 of the application.**

9. In the 8th COC meeting held on 23.01.2024, the Applicant placed the Resolution Plan received from the sole Resolution Applicant (RA), M/s.Readers Stores India Private Limited with Plan Amount of Rs.10.00 crores before the COC.
10. After negotiations in the 9th COC meeting held on 17.08.2024, the RA submitted its revised Resolution Plan dated 30.08.2024 with Plan amount of Rs.11.00 crores.
11. During the deliberations in the 10th COC meeting held on 18.09.2024, the COC observed and suggested the RP to obtain the modified Resolution Plan from the RA as the allocation made among the Secured Financial Creditors needs to be revised so that the amount offered shall cover the Liquidation value of the claim. COC also observed that the Resolution Plan shall be unconditional and binding as per the provisions of the Code. In turn, the RA submitted its modified Resolution Plan dated 04.10.2024, which was received by the RP on 11.10.2024.
12. In the 11th COC Meeting held on 18.10.2024, the COC discussed upon the compliance, feasibility and viability of the modified Resolution Plan and approved the Resolution Plan amounting to Rs.11.00 crs. submitted by M/s.Readers Stores India Private Limited with 82.14%

voting share in the e-voting closed on 26.10.2024. The details of the e-voting are as follows:

S.No.	Name of the Financial Creditor	Voting Share %	Voting for Resolution Plan (Voted for/ Dissented / Abstained)
1.	Canara Bank Ltd. (CNRB)	76.96	Voted for
2.	Axis Bank Ltd. (AXIS)	3.01	Abstained
3.	SREI Equipment Limited (SREI)	0.81	Abstained
4.	TATA Motor Finance Limited (TATAMFL)	4.24	Abstained
5.	TATA Capital Finance Ltd. (TATACFL)	1.57	Voted for
6.	Karnataka Bank Limited (KBL)	3.61	Voted for
7.	Kotak Mahindra Bank Limited (KMBL)	9.80	Dissented
Total		100%	

13. The Applicant has further submitted that as the approved Resolution Plan meets all the requirements envisaged under IBC and Rules/Regulations made thereunder, the RP on 28.10.2024 issued 'Letter of Intent' (**LoI**)⁵ to M/s.Readers Stores India Private Limited (**RSIPL**) declaring them as Successful Resolution Applicant (**SRA**). They were requested to submit their consent, comply with the terms of the LOI and submit the Performance Security Deposit of Rs.1.1 crores being 10% of the Resolution Plan amount.

⁵ Annexure 3 at pg. 46 - 50 of the application

14. In response, after deducting Rs.50.00 lakhs already deposited alongwith the Resolution Plan, the SRA paid the balance amount as Performance Security of Rs.50.00 lakhs on 29.10.2024 and Rs.10.00 lakhs on 31.10.2024.
15. The salient features of the Resolution Plan, submitted by M/s. Readers Stores India Private Limited and as approved by the CoC, are as follows:
- i. Brief background of the SRA:
 - (a) M/s. Readers Stores India Private Limited (RSIPL)/SRA was incorporated on 28.12.2007 and is involved in long-term supply contracts in the medical and educational infrastructure sectors and expanded into Government Projects. RSIPL has been undertaking a strategic expansion over the past three years and has diversified business activities. M/s.Linear Constructions (P) Ltd., one of the RSIPL's associated companies has a rich experience in undertaking infrastructure development & construction works. RSIPL has a networth of Rs.575 lakhs and is committed to infuse the necessary capital for reviving RKI Builders Private Limited and ensuring its operations as a going concern.



(b)RSIPL's group subsidiary, M/s.Linear Constructions (P) Ltd. has swiftly carved out a niche in infrastructure development within the States of Andhra Pradesh and Telangana, executing numerous projects that have propelled its income from Rs.14 crs to an anticipated Rs.50 crores in the current financial year.

(c)Together, they exemplify a synergy of robust expansion and steadfast commitment to infrastructural enhancement, driving socio-economic growth with an impressive combined turnover that underscores their ascending trajectory.

(d)The Directors of the Company possess necessary managerial experience in the business operations and adequate financial resources with them, contributions from its shareholders & associates.

ii. The amounts provided to various stakeholders (including the dissenting financial creditors) as per the approved Modified Resolution Plan⁶ are as under:

⁶ Annexure-4 @ pg.51 – 175 of the application

National Company Law Tribunal, Hyderabad Bench, Court-II

**IA (IBC)(Plan) 23/2024 in
C.P.(IB) No.716/9/HDB/2019**

Date of Order: 29.01.2025

(Rs. in lakhs)

Sl. No.	Category of Stakeholder	Sub-Category of Stakeholder	Amount Claimed	Amount Admitted	Amount Provided under the Plan#	Amount Provided to the Amount Claimed (%)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Secured Financial Creditors	(a) Creditors not having a right to vote under sub-section (2) of section 21	0	0	0	0.00
		(b) other than (a) above	0	0	0	0.00
		(b) Other than (a) and (b) above:				
		(i) who did not vote in favour of the Resolution Plan	1054.84	1018.06	168.16	15.94
		(ii) who voted in favour of the resolution plan	4593.18	4593.18	862.92	18.79
		Total [(a) + (b)]	5648.02	5611.24	1031.08	18.37
2	Unsecured Financial Creditors	(a) Creditors not having a right to vote under sub-section (2) of section 21	0.00	0.00	0.00	0.00
		(b) Other than (a) above:				
		(i) who did not vote in favour of the resolution Plan	0.00	0.00	0.00	0.00
		(ii) who voted in favour of the resolution plan	166.93	89.25	0.00	0.00
		Total[(a) + (b)]	166.93	89.25	0.00	0.00
3	Operational Creditors	(a) Related Party of Corporate Debtor	0.00	0.00	0.00	0.00
		(b) Other than (a) above:				
		(i)Government	6012.78	6012.78	4.82	0.08
		(ii)Workmen	0.00	0.00	0.00	0.00
		(iii)Employees	0.00	0.00	0.00	0.00
		(iv) Other Creditors	245.05	226.64	0.18	0.07
		Total[(a) + (b)]	6257.83	6239.42	5.00	0.08
4	Other debts and dues	Statutory Creditors (EPF & ESIC)	3.78	3.78	3.78	100.00
Grand Total			12076.56	11943.69	1039.86	8.71%

iii. **The Term of the implementation of the Resolution Plan is as under:**

Resolution Plan Amount including CIRP cost of Rs.60,14,525/-	Rs.11.00 crs.
25% of the Plan Payments will be made within 15 days from the date of communication of approval of Hon'ble Adjudicating Authority, by the RP	
The balance amount in 3 quarterly instalments (together with interest) on the delayed payments made after 90 days from the date of NCLT order communication, together with interest. The Performance Guarantee Deposit furnished at the time of acceptance of the Plan to be adjusted towards last instalments, as under:	
Payment Proposed	Amount (Rs.)
Down Payment – Within - 15 days of receiving the NCLT Order (towards CIRP Cost, OCs, Dissenting FCs and Assenting FCs in order of priority	2,75,00,000/-
Within – 180 days of receiving the NCLT Order	2,38,30,000/-
Within – 270 days of receiving the NCLT Order	2,38,30,000/-
Within – 365 days of receiving the NCLT Order (including interest on FD)	2,38,40,000/-
Within – 365 days of receiving the NCLT Order (FD adjustment)	1,10,00,000/-
Total	11,00,00,000

The SRA shall pay the above amounts together with further interest @ 12% p.a. (compounded monthly in terms of RFRP), on the balance amount paid from 91st day of approval of Resolution Plan by this Authority.

Further, the SRA has agreed to pay as part of its Resolution Plan, the amount payable to dissenting creditors not less than the liquidation value in priority over the assenting creditors (as per resolution plan pg. no.33, clause 8.1.3, point no.3).

iv. **Management of the Corporate Debtor**

The implementation of the Plan until the final payment of Resolution Plan shall be supervised by the Monitoring Committee. The Monitoring Committee shall comprise of (i) Resolution Professional as Chairman; (ii) one representative from COC; and (iii) one representative of the Successful Resolution Applicant. On and from the Effective Date, the Reconstituted Board shall be responsible for daily affairs and operations of the Company/CD.

- v. **Source of Funds:** The RA is proposing to infuse the Equity in the form of Equity Share Capital of Rs.240 lakhs and Rs.1100 lakhs by way of interest free unsecured loans/preference shares/compulsorily convertible debentures from the RA and its associates aggregating to Rs.1340.00 lakhs.
- vi. **Mandatory Payments:** Payment of CIRP cost, Payment to Operational Creditors, Secured Financial Creditors, Government & Statutory Departments, and Dissenting Financial Creditors shall be made from the Total Resolution Plan Amount.
- vii. **Compliance of mandatory contents of Resolution Plan under IBC and CIRP Regulations:** The Applicant is stated to have conducted a thorough compliance check of the Resolution Plan in terms of Section 30(2)(a), (b) & (c) of IBC as well as Regulations 38 & 39 of the CIRP Regulations⁷, and has submitted Form-H under Regulation 39(4). A copy of the **Form-H**⁸ has also been filed. It is submitted that the Resolution Applicant has filed an Affidavit pursuant to Section 30(1) of IBC confirming that they are eligible to submit the Plan under Section 29A of IBC and that the

⁷ Insolvency and Bankruptcy Board of India (Corporate Insolvency Resolution Process) Regulations, 2016

⁸ Annexre-5 @ pg. 176-181 of the application

contents of the said Certificate are in order. The **Fair Value** and **Liquidation Value** as submitted in Form-H are stated to be Rs.14.58 crores and Rs.10.64 crores respectively.

- viii. **Reliefs & Concessions:** Besides seeking approval of the Resolution Plan submitted by M/s.Readers Stores India Private Limited, the Applicant has also prayed for grant of reliefs, waivers and concessions⁹ to the Resolution Applicant.
- ix. The SRA proposes the following additional investment for revival of the CD:

S.No.	Investment	Amount Rs. in lakhs
1.	New Machinery	50.00
2.	Working Capital	155.43
3.	Deposits	25.00
4.	Preliminary and Pre-Operative Expenses	9.57
Total		240.00

The total outlay, including CIRP cost, payments to creditors and additional capital expenditure (investments) envisaged under the Resolution Plan works out to Rs.1340 lakhs.

⁹ **Reliefs and Concessions:** pg. nos.22 to 32 of the application and clause No.21 pg. no.83 to 89 of the Resolution Plan

- x. The modified Resolution Plan dated 04.10.2024 meets the requirement of Section 30(2) of IBC and Regulation 38 of CIRP Regulations, as under:

a) CIRP Costs:

The Plan provides for payment of Rs.60.15 lakhs towards CIRP cost. Any additional CIRP cost overrun till the date of approval of the Resolution Plan shall be met from the surplus amounts available with CDs account held with Canara Bank.

b) Operational Creditors –

i. Payment to Employees & Workmen of the CD:

No amount is proposed for settlement of the Employees & Workmen.

- ii. The Plan provides for payment of Rs.3,77,631/- being 100% to the Statutory Creditors viz. EPF & ESIC, Rs.4,81,838/- to the dues of Government and Rs.18,162/- to the other Operational Creditors.



c) Financial Creditors:

The Resolution Plan provides for payment of Rs.10,31,07,844/- to the Secured Financial Creditors.

d) Dissenting Financial Creditors:

The amounts proposed towards Dissenting Financial Creditors shall be paid in priority over the Assenting Creditors.

The payment schedule to the Dissenting Financial Creditors as per the approved Resolution Plan is filed at pg. no.6 of the Clarification Affidavit dated 28.12.2024.

16. In response to the clarification sought by this Authority on 16.12.2024, the Applicant filed a Clarification Affidavit dated 28.12.2024, which was received by the Registry on 01.01.2025, is furnished as under:

(i) **With regard to Item No.(iii) @ pg. 16 of the application - Handing over of CD's assets to SRA.**

Considering the Clause No.8.3.5 of the Resolution Plan as approved by COC, it is clarified that though after receiving the down payment, the physical custody is handed over for implementation of the Resolution Plan, the charge and mortgage continues to be with the respective secured creditor(s) and therefore the COC/Monitoring Committee reserves right forfeit the performance security and take necessary steps in case of failure to make payments any time during the period of implementation.

(ii) **With regard to Clause 8.1.3 of the approved Resolution Plan – Payments to Dissenting Financial Creditors:**

The schedule of payments as per the approved Resolution Plan is as under:

(in Rs.)

S.No.	Particulars	Amount proposed in Resolution Plan	From Down Payment	Within 180 days	Within 270 days	Within 365 days	Total
1.	Canara Bank \$	7,53,39,085	33,10,821	2,08,05,255	2,08,05,255	3,04,17,754	7,53,39,085
2.	Karnataka Bank Limited \$	1,09,53,076	4,81,340	30,24,745	30,24,745	44,22,246	1,09,53,076
3.	SREI Equipment Finance Limited #	18,64,306	18,64,306	--	--	--	18,64,306
4.	Kotak Mahindra Bank#	1,49,51,377	1,49,51,377	--	--	--	1,49,51,377
5.	OC – Govt.	4,81,838	4,81,838	--	--	--	4,81,838
6.	OC - Others	18,162	18,162	--	--	--	18,162
7.	EPFO & ESIC	3,77,631	3,77,631	--	--	--	3,77,631
8.	CIRP Cost	60,14,525	60,14,525	--	--	--	60,14,525
Total		11,00,00,000	2,75,00,000	2,38,30,000	2,38,30,000	3,48,40,000	11,00,00,000

\$ - Assenting, # Dissenting

17. The COC at its 12th COC Meeting¹⁰ held on 23.12.2024 with 78.53% voting share resolved as follows:

“RESOLVED THAT the total allocation made to Dissenting Financial Creditors shall be paid from out of down payment, before making payment towards amount allocated to the Assenting Creditors.

The amounts payable to Assenting Creditors shall be paid proportionately from balance down payment amount available and subsequent instalments as and when received together with interest on payments made after 90 days @ 12% p.a. as per the terms of the Plan”.

¹⁰ A copy of the Minutes of the 12th COC meeting held on 23.12.2024 is filed alongwith the clarification affidavit

ORDER

18. We have carefully considered the present application seeking approval of the Modified Resolution Plan dated 04.10.2024 submitted by the Resolution Applicant, M/s.Readers Stores India Private Limited.
19. While reviewing the Resolution Plan as aforesaid, we have taken into account the judgment in the case of ***K.Sashidhar vs. Indian Overseas Bank***¹¹ where the Hon'ble Supreme Court has held that:

“if CoC had approved the Resolution Plan by requisite percent of voting share, then as per Section 30 (6) of the Code, it is imperative for the Resolution Professional to submit the same to the Adjudicating Authority. On receipt of such proposal, the Adjudicating Authority (NCLT) is required to satisfy itself that the resolution plan as approved by CoC meets the requirements specified in Section 30(2). No more and no less”.

And held further in para 35 of the judgement that –

“the discretion of the adjudicating authority (NCLT) is circumscribed by Section 31 limited to scrutiny of the resolution plan “as approved” by the requisite percent of voting share of financial creditors. Even in that enquiry, the grounds on which the adjudicating authority can reject the resolution plan is in reference to matters specified in Section 30(2), when the resolution plan does not conform to the stated requirements”.

¹¹ In *K. Sashidhar v. Indian Overseas Bank & Others* (in Civil Appeal No. 10673/2018) decided on 05.02.2019: (2019) 12 SCC 150



20. The Hon'ble Supreme Court reiterated this view in the case of **Essar Steel**¹² by holding that:

“...it is clear that the limited judicial review, which can in no circumstances trespass upon a business decision of the majority of the CoC, has to be within the four corners of section 30(2) of the Code, in so far as the Adjudicating Authority is concerned....”.

21. Reinforcing the above, the Hon'ble Supreme Court more recently has held in **Vallal RCK vs M/s Siva Industries**¹³ that:

“21. This Court has consistently held that the commercial wisdom of the CoC has been given paramount status without any judicial intervention for ensuring completion of the stated processes within the timelines prescribed by the IBC. It has been held that there is an intrinsic assumption, that financial creditors are fully informed about the viability of the corporate debtor and feasibility of the proposed resolution plan. They act on the basis of thorough examination of the proposed resolution plan and assessment made by their team of experts.

Emphasizing yet again, that

“27. This Court has, time and again, emphasized the need for minimal judicial interference by the NCLAT and NCLT in the framework of IBC.”

and, by referring to an earlier judgment in the case of **Arun Kumar Jagatramka**¹⁴, added a note of caution that

¹² Committee of Creditors of Essar Steel India Limited Vs. Satish Kumar Gupta & Ors. in Civil Appeal No.8766-67/2019, decided on 15.11.2019: **(2020) 8 SCC 531**

¹³ Vallal RCK vs M/s Siva Industries and Holdings Limited & Ors. in Civil Appeal No.1811-1812/2022, decided on 03.06.2022: **(2022) 9 SCC 803**

¹⁴ Arun Kumar Jagatramka v. Jindal Steel & Power Ltd. (2021) 7 SCC 474] : (SCC p. 533, para 95)



“...However, we do take this opportunity to offer a note of caution for NCLT and NCLAT, functioning as the adjudicating authority and appellate authority under the IBC respectively, from judicially interfering in the framework envisaged under the IBC. As we have noted earlier in the judgment, the IBC was introduced in order to overhaul the insolvency and bankruptcy regime in India. As such, it is a carefully considered and well thought out piece of legislation which sought to shed away the practices of the past. The legislature has also been working hard to ensure that the efficacy of this legislation remains robust by constantly amending it based on its experience. Consequently, the need for judicial intervention or innovation from NCLT and NCLAT should be kept at its bare minimum and should not disturb the foundational principles of the IBC.....”

22. Therefore, when tested on the touch stone of the rulings, and considering the facts of the case, we are of the view that the Resolution Plan satisfies the requirements of Section 30 (2) of the IBC and Regulations 37, 38 & 39 of CIRP Regulations. We also find that the Resolution Applicant is eligible to submit the Resolution Plan under Section 29A of IBC.
23. It is also to be clarified that approval of the Resolution Plan shall not be construed as waiver of any statutory obligations/ liabilities of the Corporate Debtor and shall be dealt with by the appropriate Authorities in accordance with law. Any waiver sought in the Resolution Plan, shall be subject to approval by the Authorities concerned. As regards to the reliefs sought, the Corporate Debtor has to approach the Authorities concerned for such reliefs and

we trust the Authorities concerned will do the needful.
“Approval of this plan by NCLT shall be deemed to be sufficient notice which may be required to be given to any person for such matter and no further notice shall be required to be given” as per the view taken by the Hon’ble Supreme Court in the case of **Ghanashyam Mishra**.¹⁵

24. With the above remarks, we hereby approve the modified Resolution Plan dated 30.08.2024 submitted by the Resolution Applicant, M/s. Readers Stores India Private Limited on 04.10.2024, and order as under:

- i. The modified Resolution Plan dated 04.10.2024 shall be binding on the Corporate Debtor, its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force is due, guarantors and other stakeholders involved in the resolution plan.
- ii. All crystallized liabilities and unclaimed liabilities of the Corporate Debtor as on the date of this order shall stand extinguished on the approval of this Resolution Plan.

¹⁵ Ghanashyam Mishra and Sons Private Limited Versus Edelweiss Asset Reconstruction Company Limited in Civil Appeal No.8129/2019 with Civil Appeal No.1554/2021 and 1550-1553/2021, decided on 13.04.2021.: (2021) 9 SCC 657



- iii. If the SRA fails to pay the amount as envisaged in the Resolution Plan to the stakeholders within the timeline fixed in the Plan, the entire amount paid by the SRA shall be forfeited.
- iv. It is hereby ordered that the Performance Bank Guarantee furnished by the Resolution Applicant shall remain in force till the amount proposed to be paid to the creditors under this plan is fully paid off and the plan is fully implemented.
- v. The Memorandum of Association (MoA) and the Articles of Association (AoA) shall accordingly be amended and filed with the Registrar of Companies (RoC), Hyderabad for information and record. The Resolution Applicant, for effective implementation of the Plan, shall obtain all necessary approvals, under any law for the time being in force, within such period as may be prescribed.
- vi. Henceforth, no creditors of the erstwhile Corporate Debtor can claim anything other than the liabilities referred to in the Resolution Plan.
- vii. The moratorium under Section 14 of IBC shall cease to have effect from the date of this Order.



- viii. The Applicant shall forward all records relating to the conduct of the CIRP and the Resolution Plan to the IBBI along with copy of this order for information.
- ix. The Applicant shall forthwith send a copy of this Order to the CoC and the Resolution Applicant.
- x. The Registry is directed to furnish free copy to the parties as per Rule 50 of the NCLT Rules, 2016.
- xi. The Registry is directed to communicate this Order to the Registrar of Companies, Hyderabad for updating the master data and also forward a copy to IBBI.
25. Accordingly, **IA 23/2024 in CP(IB) No.716/9/HDB/2019** is allowed and stands disposed of.

Sd/-

**SANJAY PURI
MEMBER (TECHNICAL)**

Sd/-

**RAJEEV BHARDWAJ
MEMBER (JUDICIAL)**

Syamala