

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 651 of 2021

In the matter of:

R Harsih Raghavji Patel

....Appellant

Vs.

Steel Investments Pvt. Ltd. & Anr.

....Respondents

Present

For Appellant: Mr. Abhijeet Sinha, Mr. Nitin Mishra & Ms. Mitali Gupta, Advocates.

**For Respondents: Mr. Zubin Sheth, for R-1.
Mr. Vinod K. Sharma, for Caveator.**

ORDER
(Virtual Mode)

08.12.2021: Learned Counsel for the Appellant and Respondent No. 1 are present.

In terms of the Order dated 29.11.2021 Learned Counsel for the Appellant has filed an Additional Affidavit on 03.12.2021. In Additional Affidavit at Page 4 it has been stated that settlement has arrived between the parties and the complete payment of the settlement amount under the Consent Terms dated 03.09.2021 has been made to the Respondent no. 1 and all alleged claims stand duly satisfied.

From the perusal of the Consent Terms, which is as hereunder:-

3. I say that the Appellant in his capacity as shareholder filed appeal against the Order dated 16.07.2021 in C.P. No. (IB) 520 (MB)/2020 before the Hon'ble NCLAT. The

said Appeal was listed on 26.08.2021, wherein this Hon'ble Court was pleased to direct as follows-

"Learned Counsel for the parties are directed to file hard copy of the terms of settlement duly signed by the parties within two weeks. Registry is directed to accept it. In the meanwhile, constitution of 'Committee of Creditors' shall remain stayed, if not constituted, till further order."

4. I say that the parties to the present proceedings entered into the Settlement Agreement dated 03.09.2021, recording the understanding reached between them. Copy of the Consent Terms / Settlement Agreement dated 03.09.2021 is annexed herewith and marked as Annexure-A.

5. I say that in compliance of the Consent Terms dated 03.09.2021 executed by and between the Appellant - Harish Raghavji Patel and Respondent No. 1 - Steel Investment Private Limited which was placed on record before this Hon'ble Tribunal at New Delhi, the entire Payment of Rs. 3,98,08,430/- alongwith Interest @15% per annum from 01.09.2021 to 20.11.2021 and Interest @24% per annum from 21.11.2021 to 22.11.2021 (Gross Rs.13,96,613 Less TDS Rs. 1,39,661/- Net Rs.12,56,952/) totalling to Rs. 4,10,65,382/- has been made vide Cheque No. 000716 dated 23.11.2021 drawn on HDFBank, Mahakali caves, Andheri East, Mumbai from Rajesh Investments, a group concern to the Bank Account of Steel Investments Private Limited bearing HDFC Bank, Account No.00802020001108 through Bank Transfer. Copy of proof of payment dated 23.11.2021 is enclosed as Annexure-B.

6. I say that the said amount paid on 23.11.2021 has been duly accepted by Respondent No. 1 in full and final settlement towards all alleged claims. I say that the above fact has also been admitted by the counsel for the Respondent No. 1, which has been recorded in the Order dated 29.11.2021 passed by this Hon'ble Tribunal.

7. I say that that the settlement arrived at between the parties has been acted upon and all obligations in terms of the Settlement on part of the Appellant stand duly satisfied. I say that the complete payment of the settlement amount under the Consent Terms dated 03.09.2021 has been made to the Respondent No. 1 and all alleged claims stand duly satisfied.

Further, from the perusal of the Order dated 26.10.2021 passed by this Court, it was directed to the parties to file the Consent Terms/ Settlement Agreement arrived between the parties on an Affidavit.

In Para 8 of the Additional Affidavit filed on behalf of the Learned Counsel for the Appellant, it has been stated in course of the Settlement and also submitted that the Committee of Creditor will constitute till date nor the CIRP Proceedings have been initiated as the appointed IRP has filed an Application before NCLT for rigours himself from the matter. No costs have been incurred in the proceedings till date.

Further, the Consent Terms filed by the Parties be accepted and further proceedings be closed and the Appellant should be released from the rigours of the CIRP proceedings.

Learned Counsel for the Respondent No. 1 submits that he has no objection and he accepts that Consent Terms.

The proceedings which are pending before the NCLT, Mumbai Bench, Court No.-III in C.P. No. 520/IBC/MB/ 2020 shall stand closed and the Appellant is released from the recusing of the CIRP proceedings.

From the perusal of the Order dated 16.07.2021 passed by the Hon'ble NCLT, Mumbai Bench, Court III in C.P. No. 520/IBC/MB/ 2020 this Petition is hereby allowed and the Appeal is dismissed not pressed.

The Registry is directed to upload this Order on the website of this Appellate Tribunal.

Registry is directed to send a copy of the Order to the National Company Law Tribunal, Mumbai Bench, Court III.

[Justice Anant Bijay Singh]
Member (Judicial)

[Ms. Shreesha Merla]
Member (Technical)

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