

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins.) No. 86 of 2023

IN THE MATTER OF:

Hem Singh Bharana

....Appellant

Vs.

Pawan Doot Estate Pvt. Ltd. & Ors.

....Respondents

Present:

For Appellant: Mr. Abhijeet Sinha, Mr. Apoorv Agarwal, Mr. Manav Goyal.

For Respondents: Mr. Krishnendu Datta, Sr. Advocate, Mr. I.P.S. Oberoi, Ms. Neha Aggarwal, Mr. R. K. Srivastava, Advocates for R-3 & 4.

Mr. Sanjay Bhatt, Ms. Ruchi Goyal, Ms. Aishwarya, Advocates for RP/R-1.

Mr. Aditya Vashisth, Advocate for R-7.

Ms. Anju Jain, Mr. Hitesh Sachar, Advocates for Canara Bank/R-8.

ORDER

24.05.2023: Heard Learned Counsel for the parties. This appeal has been filed against the order dated 18.01.2023 by which order Adjudicating Authority has approved the Resolution Plan submitted by consortium of Pradeep Kumar Lather and M/s Mehar Footwear Pvt. Ltd. The appellant, the promoter of the Corporate Debtor has come up in this appeal challenging the order dated 18.01.2023 approving the plan.

2. Learned Counsel for the Appellant challenging the order submitted that the Respondent No.3 was not eligible to submit a Resolution Plan. It is submitted that for the eligibility Minimum Tangible Net worth of INR 5 crore was eligibility criteria at a group level which was not fulfilled. It is submitted

that Resolution Applicant being not eligible approval of Resolution Plan is vitiated and deserves to be set aside.

3. We have issued notice on 27.01.2023, Resolution Professional was permitted to file a status report along with all documents submitted by the Successful Resolution Applicant within a week.

4. In compliance of the order passed by this Tribunal dated 27.01.2023, Resolution Professional has filed an Affidavit dated 06.02.2023 where Net worth Certificate dated 08.08.2019 has been brought on the record. Resolution Professional in the Affidavit pleaded that the Resolution Applicant fulfilled the eligibility criteria as stipulated in Form-G. Learned Counsel for the Successful Resolution Applicant further submitted that Resolution Plan has already been implemented and payouts have been made.

5. We have considered the submissions of Learned Counsel for the Appellant and perused the record.

6. The ground for ineligibility of Pradeep Kumar Lather as contended by the Appellant is that he did not fulfill the Minimum Criteria of INR 5 Crores as set out by the CoC in Form-G needs consideration.

7. Resolution Professional has filed the Net Worth Certificate as on 08.08.2019 which indicate that Net worth is Rs. 6814 Lakhs. The Resolution Professional took into consideration the Net worth Certificate and finding the Resolution Applicant eligible examined the resolution plan and placed it before the CoC.

8. The Affidavit under Section 29 A was also filed along with plan stating that Resolution Applicant is not ineligible under Section 29 A.

9. We are of the view that Resolution Applicant was fully eligible and there was no infirmity in the approval of the Resolution Plan. No other infirmity in the Impugned order has been pointed out.

10. We, thus, are of the view that there is no ground to interfere in the Impugned Order. Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

sa/nn