

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

Company Appeal (AT) (Ins.) No. 199 of 2023

IN THE MATTER OF:

Jatinder Pal Singh Hanjra

...Appellant

Versus

Vivek Raheja Resolution Professional of

J.P. Engineers Private limited & Anr.

...Respondents

Present:

For Appellant:

Mr. Abhijeet Sinha, Mr. Kunal Godhwani, Advocates

For Respondents:

Mr. K.D. Sharma, Advocate for R-1.

**Mr. Sandeep Bhuraria, Mr. Monish Surendran, Mr.
Arinjay Singh, Advocates for R-2.**

ORDER

25.04.2023: Heard Learned Counsel for the Appellant.

This appeal has been filed against the order dated 08.02.2023 passed by the Adjudicating Authority. While entertaining the appeal on 21.02.2023, we passed the following order:-

“Learned Counsel for the Appellant submits that on an Application filed by the Appellant, order was passed on 16th January, 2023 permitting the plan submitted by the Appellant to be considered in pursuance of which Committee of Creditors proceeded to consider the Plan. In the meantime, an Application was filed by the Resolution Professional for rectification of the Order dated 16th January, 2023, on which application, an order has been passed on 08th

February, 2023 recalling earlier order dated 16.01.2023 whereas there was no prayer of the recall of the Order and what was asked for only rectification. It is submitted that CoC has proceeded to consider the plan. It is further submitted that an application for liquidation is pending consideration before the Adjudicating Authority.

2. Issue notice to the Respondent No. 2 through Speed Post as well as Email. Requisites along with process fee, if not filed, be filed within two days. Learned Counsel appearing for Respondent No. 1 accepts notice. Appellant may also serve notice to Respondent No. 2.

3. List this Appeal on 20th March, 2023.

In the meantime, the Adjudicating Authority shall adjourn the Application for Liquidation”.

2. Learned Counsel for the Union Bank of India having 86% vote share submits that Union Bank has no objection if the plan submitted by the Appellant is considered.

3. Learned Counsel for Appellant submits that plan has already been submitted in pursuance of the order dated 16.01.2023 on 30.01.2023. Hence, there was no occasion to recall the order dated 16.01.2023.

4. In view of the statement made by the Learned Counsel for the parties, we are of the view that plan having already been submitted there was no occasion for recall of the order 16.01.2023, moreover, only prayer made was to make certain corrections in the order dated 16.01.2023. The order dated 08.02.2023 in so far as it recall the order dated 16.01.2023 is set aside.

The Appeal is disposed of

**[Justice Ashok Bhushan]
Chairperson**

**[Mr. Barun Mitra]
Member (Technical)**

ss/nn