

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH (COURT - II)**

**Item No. 109**  
**(IB)-1781(ND)2018**  
**New IA-2732/2022**

**IN THE MATTER OF:**

**Indu Kumar & Ors.**

...

**Applicant**

**Versus**

**M/s. Saha Infratech Pvt. Ltd.**

...

**Respondent**

**Under Section: 7 of IBC, 2016 (CIRP)**

**Order delivered on 10.06.2022**

**CORAM:**

**SHRI. ABNI RANJAN KUMAR SINHA, SHRI. HEMANT KUMAR SARANGI,**  
**HON'BLE MEMBER (JUDICIAL) HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

**For the Axis Bank** : Adv Kshirja Agrawal

**For the RP** : Ms. Richa Singh, Adv.

**ORDER**

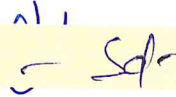
**IA-2732/2022:** By filing this IA, the Applicant has prayed to implead the Resolution Applicant as Respondent in the C.A. No. 1955 of 2022 filed by the Applicant Bank in C.P. NO. (IB)-1781 (ND)/2018.

Heard the Ld. Counsel appearing for the Applicant. Ld. Counsel for the Applicant submits that the Applicant is dissenting secured creditors and have raised the objections against the approval of the Resolution Plan. Therefore, the Resolution Applicant is necessary party in the proceedings. She further submits the Resolution Applicant may be added as a party in C.A. No. 1955 of 2022.

Considering the submissions and averments made in the application as per the averments made in the application and submissions of the Ld. Counsel appearing for the applicant, the grievance of the Applicant is that the Resolution Plan has been approved by the CoC is not in the terms of the provisions of law and that is the reason, the Applicant who is the dissenting secured creditor has raised the objection on the approval of the Resolution Plan.



Since approval of the Resolution Plan is pending for consideration before this Adjudicating Authority, under such circumstances, in our considered view that the Resolution Applicant is not a necessary party in a proceeding. Hence, we are unable to accept the prayer of the Applicant. Accordingly, the prayer of the Applicant is hereby rejected and **the present IA stands Dismissed.**

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**(HEMANT KUMAR SARANGI)**  
**MEMBER (T)**

A handwritten signature in blue ink, appearing to read 'Abni', is written over a yellow rectangular background.

**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**