



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

IA (IBC) Plan No.1 OF 2025

in

CP(IB) NO. 43/7/HDB/2018

[U/s. 30(6) and Section 31(1) of the I&B Code, 2016 r/w Regulation 39(4) of the IBBI (IRPCP) Regulations, 2016]

In the matter of

Andhra Bank Vs. M/s.Leo Meridian Infrastructure Projects & Hotels Ltd.

Mr.Devendra Prasad
Resolution Professional of
M/s.Leo Meridian Infrastructure
Projects & Hotels Ltd.
Regd. Address: Flat 1304, A Wing
Raheja Ridgewood, Near Nesco
Goregaon (East)
Mumbai City
Maharashtra – 400 063

.... Applicant

Order Pronounced on : 25.02.2025

Coram:

Shri Rajeev Bhardwaj, Hon'ble Member (Judicial)

Shri Sanjay Puri, Hon'ble Member (Technical)

Parties / Counsels Present:

For the Applicant/RP : Mr. Narender Naik, Advocate
Mr. Devendra Prasad, RP

For the COC : Mr. PBA Srinivasan, Advocate

[PER : BENCH]

ORDER

1. The instant Application bearing IA (IBC) (Plan) 1/2025 has been filed on behalf of the Resolution Professional of the Corporate Debtor, M/s. Leo Meridian Infrastructure Projects & Hotels Ltd. (**CD/LMIPHL**), under Section 30(6) and 31(1) of **IBC**¹, r/w regulation 39(4) of the applicable **Regulations**², seeking inter alia, approval of the **Resolution Plan**³, submitted by the Successful Resolution Applicant, M/s. Jalavihar Entertainment Private Limited Consortium (**JEPL Consortium/SRA**) duly approved in the 78th Committee of Creditors (**COC**) meeting held on 31.12.2024 and e-voting concluded on 15.01.2025 with 100% voting share.
2. The Company Petition CP(IB) No. 43/7/HDB/2018 filed by Andhra Bank (now Union Bank of India), the Financial Creditor (**FC/AB**), was admitted by this Authority u/s 7 of IBC, vide Order dated 09.04.2019 (**Admission Order**) ordering commencement of CIRP⁴ against M/s. Leo Meridian Infrastructure Projects & Hotels Ltd., the **CD**, by appointing Mr.Naga Bhushan Bhagawati as the Interim Resolution Professional (**IRP**). Subsequently Mr. Raj Kumar Ralhan was appointed as Resolution Professional

¹ Insolvency & Bankruptcy Code, 2016

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

³ Resolution Plan dated 27.12.2024 as Annexure-1 @ pg. nos.54-114 of the application

⁴ Corporate Insolvency Resolution Process

(RP) in the 2nd COC Meeting held on 22.05.2019 and later replaced by Mr. Krishna Mohan. Thereafter, Mr. Devendra Prasad/Applicant was replaced as RP in place of Mr. Krishna Mohan.

3. Public Announcement⁵ of the commencement of CIRP was made in Form-A on 13.04.2019 in the newspapers⁶, inviting claims from the creditors of the CD. In response, claims were received from the Financial Creditors.
4. After collating all the claims received and determining the financial position of the CD, the IRP constituted the COC.
5. The list of Creditors of CD was updated from time to time on the basis of the additional information and claims received and verified. A summary of the claims received and admitted as on 30.12.2022 is as under:

(Rs. in Crores)

Creditors	Claims Received	Claims Admitted
Secured Financial Creditors	1753.16	1753.16
Unsecured Financial Creditors	15.98	15.77
Operational Creditors (Employees)	0.19	0.18

⁵ Annexure-4 @ pg. 145-146 of the Application

⁶ Economic Times, English Newspaper & Andhra Prabha, Telugu Newspaper, Hyderabad editions.

Operational Creditors (Government Dues)	444.34	444.34
Operational Creditors (other than Workmen, Employees and Government Dues)	8.28	5.40
Total	2,221.94	2,218.84

6. Initially, Mr. Gauri Shankar Mittal and Intech Insurance Surveyors and Loss Assessors Pvt. Ltd. were appointed as the Registered Valuers, who were later replaced with Ms.Madhu Pagolu.
7. Mr. TR Chadha & Co. was appointed as the Transaction Auditors for the CD for the purposes of audit and review of transactions of the CD, for categorisation of the same as preferential, undervalued, extortionate or fraudulent transactions. After reviewing all the transactions, the Transaction Auditors submitted their Report on 29.11.2019.
8. The RP conducted a total of Seventy Nine (79) meetings of the COC during the CIRP.
9. The RP invited Expression of Interest from Prospective Resolution Applicants (**PRAs**), by issuing Form-G on 09.07.2019 and last date for submission of Expression of Interest was fixed as 25.07.2019. In response, six EOIs were received from the PRAs and the Applicant shared the



RFRP⁷ on 09.08.2019 to the eligible PRAs, which was approved in the 4th COC Meeting including the Evaluation Matrix. After receipt of requests from PRAs, the last date for submission of Resolution Plans was extended from time to time.

10. In response to the RFRP, the following two PRAs submitted their Resolution Plans, which were placed before the COC for its consideration:

- i. M/s.Poppy Vista Hotel Private Limited in consortium with Omkara Assets Reconstruction Private Limited; and
- ii. Mr. D.V.Satyanarayana.

11. In response to the request made to furnish the revised compliant resolution plans, only Mr. D.V. Satyanarayana submitted his revised plan, which is non-compliant.

12. Due to lack of a compliant Plan, the RP had filed an IA 19/2020 seeking for (a) Extension of CIRP period by 60 days; and also (b) Waiver of publishing a fresh EOI for the reissuance of RFRP. On 03.01.2020, this Authority opined that a specific resolution from the COC may be submitted in the record allowing reissuance of RFRP without publishing the IEOI. On 31.01.2020, this Application was

⁷ Request for Resolution Plan

disposed of by this Authority directing the RP to complete the resolution process within 330 days from the Admission Order.

13. The Directorate of Enforcement passed a Provisional Attachment Order (**PAO**) dated 30.12.2019 and also filed an Original Complaint bearing No.1252 of 2020 u/s 5(5) of the Prevention of Money Laundering Act, 2002 (**PMLA**) before this Authority under PMLA (**PMLA Authority**). The RP had filed an IA 54/2020 before this Authority seeking stay of the execution of PAO, which was dismissed by this Authority on 06.05.2020⁸. Aggrieved by this order, the RP had filed an Appeal CA(AT)(Ins) 666/2020 before the Hon'ble NCLAT, New Delhi, which is currently pending before the Hon'ble NCLAT.

14. With the approval of COC in the 12th meeting held on 06.01.2020, the RP published an invitation for Submission of Resolution Plan (ISRP)⁹ on 13.01.2020 in Business Standard Newspaper. After litigations and stay on the CIRP, the last date for submission of Resolution Plan was on 27.12.2024.

⁸ Annexure-32 @ pg. 369-398 of the application

⁹ Annexure – 21 @ pg. 297 of the application.



15. In the 13th COC Meeting held on 06.02.2020, M/s.Omkara ARC has withdrawn its EOI on 14.01.2020 and a new entity M/s.Prudent ARC has submitted its EOI and requested 4 weeks' time for conducting due diligence of the CD and for submission of Resolution Plan.
16. In response to the RFRP, JEPL Consortium/SRA submitted their EOI on 02.03.2020. Thereafter, the RP shared access to VDR, Information Memorandum (IM) and reissued the same RFRP with the three (3) PRAs.
17. In the light of the lockdown imposed due to Covid-19 and the request made by Prudent ARC, the COC in its 16th Meeting held on 18.04.2020 extended the time for submission of Resolution Plan as 27.04.2020.
18. During the 17th COC Meeting held on 29.04.2020, the resolution plans received from the SRA on 14.04.2020 and M/s.Prudent ARC on 27.04.2020 were opened.
19. One of the PRAs, Mr.D.V.Satyanarayana had filed an IA 299/2020 seeking for extension of two weeks' time for submission of resolution plan, which was allowed and extended the time to submit the Resolution Plan till 04.05.2020¹⁰. Accordingly, Mr. D.V.Satyanarayana submitted his Resolution Plan on 04.05.2020.

¹⁰ Annexure-28 at pg. no.352-355 of the application

20. The COC deliberated on the resolution plans submitted by M/s.JEPL Consortium, M/s.Prudent ARC and Mr.D.V.Satyanarayana and after satisfaction of the compliance requirements of the resolution plans, granted time to submit the revised compliant plans by the PRAs except M/s.Prudent ARC.
21. In the 24th COC Meeting held on 01.07.2020, M/s.JEPL Consortium was declared as H1 bidder with 91.5% out of 100 score as per the evaluation matrix. In the 25th and 26th COC meetings held on 04.07.2020 and 18.07.2020 respectively, the COC had discussed on the commercial aspects of the Resolution Plan with M/s.JEPL Consortium and requested to submit their revised resolution plan. Accordingly, SRA submitted its revised plan which was refused by the COC for voting as the same was a conditional plan.
22. In view of the amended Regulation 39(3) of CIRP Regulations, introduced by IBBI on 07.08.2020, the RP informed the COC at their meeting held on 12.08.2020 that the resolution plans received from the SRA and Mr.D.V.Satyanarayana are compliant in terms of the provisions of the Code and CIRP Regulations and shall be put forth before the COC for voting and COC may record their deliberations on the feasibility and viability of both the resolution plans and vote. Accordingly, vide mail dated



13.08.2020, the RP informed the PRAs to send final compliant resolution plans by 15.08.2020. Aggrieved by this action, the SRA had filed IA 606/2020 and 650/2020 before this Authority praying to set aside the mail dated 13.08.2020 and to set aside the meeting of the COC dated 12.08.2020 respectively.

23. Mr. D.V.Satyanarayana, one of the PRAs had filed an impleadment application IA 697/2020 in IA 606/2020, wherein this Authority imposed a temporary stay on the voting on compliant resolution plans in the interim. Aggrieved by this Order, the SRA filed a memo seeking for transfer of IA 606 to a different Bench and the matter was transferred to this Authority from Bench-I. IA 606/2020 was dismissed by this Authority on 07.05.2021 by allowing the RP to consider final compliant plan submitted much after due date for submission of Resolution Plans (**NCLT Order**). Aggrieved by this order, the SRA preferred an appeal CA(AT)(CH)(Ins) No.61/2021 (**CA 61**) dated 17.05.2021 before the Hon'ble NCLAT, Chennai Bench for setting aside the NCLT Order, which was allowed on 16.08.2022 (**NCLAT Order**)¹¹, wherein it was held that –

“64. The Learned Adjudicating Authority misinterpreted the Regulations 39(3) of the I&B Code, 2016 and not properly understood the judgement of the Hon'ble Supreme Court in M/s. Jaypee Kensington Boulevard Apartments Welfare Association & Ors. vs. NBCC (India) Ltd. & Ors. in Civil Appeal No.3395 of 2020. The Hon'ble Supreme Court in the aforesaid judgement held that

¹¹ A copy of the Hon'ble NCLAT order is filed as Annexure-60 at pg. nos.563-595 of the application



the said amendment of sub-regulation (3) of Regulation 39 of CIRP Regulations insertion of sub-regulation (3A) and (3B) thereto, could only be visualised as clarificatory in nature and in any case even before amendment there had not been any prohibition in putting two or more confirming Resolution Plans to vote simultaneously. The Hon'ble Supreme Court also clarified the intent of the amendment to the Regulations and the Hon'ble Supreme Court also did not hold that as per the amended regulation a fresh/final compliant resolution plans shall be called beyond the time stipulated under the Code. **Further, this Tribunal is of the view that the amendment is only to consider the feasibility, viability of each plan and not to call fresh resolution plans (decided by RP) under the guise of fund compliant resolution plan".**

(emphasis supplied)

24. In the 35th Meeting of the COC held on 13.05.2021, the COC members voted and allowed the RP to put the final Resolution Plans submitted by M/s.JEPL Consortium and Mr. D.V.Satyanarayana to vote.
25. In the 36th Meeting held on 07.06.2021, the COC had unanimously decided to allocate a token amount of Rs.5.00 lakhs each to the Unsecured Financial Creditors under both the Resolution Plans and the balance amount may be distributed among the Secured Financial Creditors.
26. At the request of Mr. D.V.Satyanarayana, the COC in its 37th meeting unanimously extended the e-voting timelines till 13.06.2021 to provide confirmation on continuing with his Resolution Plan.



27. In the 38th COC Meeting held on 15.06.2021, after negotiations with shortlisted PRAs, the RP invited views of COC on the improved resolution plans. The COC unanimously decided to continue the e-voting on the existing resolution plans and extended the e-voting timeline on the resolution plans till 25.06.2021, which was further extended till 02.08.2021.
28. The Hon'ble NCLAT on 23.06.2021 in IA 61/2021 has imposed an interim stay on the announcement of voting results.
29. Aggrieved by the NCLAT Order, Mr. D.V.Satyanarayana preferred a Civil Appeal C.A.No.008914 of 2022 before the Hon'ble Supreme Court of India seeking to direct the COC to consider his Resolution Plan (**SC Appeal**).
30. Pursuant to the NCLAT Order, the COC decided that the resolution plans submitted prior to 12.08.2020 should be put to vote. Accordingly, RP presented the compliant resolution plan dated 24.07.2020 submitted by the SRA as well resolution plan dated 09.06.2020 submitted by Mr. D.V.Satyanarayana before the COC.



31. This Authority vide Order dated 17.10.2022 in IA 1068/2022, replaced the Resolution Professional Mr.Rajkumar Ralhan with Mr. G. Krishna Mohan as Resolution Professional¹².
32. This Authority vide Order dated 29.11.2022 in IA 1286/2022 rejected to include the Challenge Process in RFRP as prayed for.
33. The Hon'ble Supreme Court vide its order dated 25.11.2022 in SC Appeal kept the NCLAT Order dated 16.08.2022 at abeyance and allowed Mr. D.V.Satyanarayana to file an application for impleadment in CA 61 before the Hon'ble NCLAT (**SC Interim Order**).
34. M/s.Ankita Financial Services were engaged for identification of the assets of CD.
35. This Authority vide order dated 04.03.2024 kept the e-voting on resolution plans at abeyance till disposal of IA 516/2024 which was filed seeking to keep e-voting on resolution plan in abeyance till disposal of the SC Appeal.
36. The COC had filed an IA 1540/2024 seeking for appointment of the Applicant, Mr. Devendra Prasad as Resolution Professional before this Authority in light of impending expiry of Authorisation for Assignment of the Resolution Professional Mr.Krishna Mohan on 03.07.2024,

¹² Annexure 69 at pg. nos.653-654 of application



which was approved by this Authority vide Order dated 24.07.2024.

37. The Hon'ble Supreme Court vide Order dated 26.07.2024 **(SC Order)**¹³by dismissing the SC Appeal had held as follows:

“Keeping in view the factual background, we feel that it will be appropriate that the present appeal is disposed of with the direction that the COC will proceed in accordance with law and take a considered decision as to whether or not to accept any resolution plan submitted by the resolution applications. We have passed the said order in view of the delay which has occasioned and also the fact, as stated, that the COC is to decide whether or not to accept any resolution plan, though they had come to the conclusion that the resolution plan submitted by respondent nos.1 to 4, namely, N.V.Rama Raju, N. Indira, M/s.Jalavihar Entertainment Private Limited and North East Infrastructure Private Limited, was the highest, and they wanted to negotiate with them. The decision taken by the COC will be in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016, and the rules and regulations applicable and relating to the submission of resolution plan, its consideration and decision to be taken by the COC”.

38. Pursuant to the SC Order, the COC in its 72nd meeting resolved to only invite the H1 bidder i.e. SRA for negotiations and accordingly invited SRA for negotiations. After negotiations, the SRA filed initially their amended

¹³ Annexure – 103 @ pg. nos.948-952 of the application

plan on 25.11.2024 and subsequently revised on 27.11.2024. After deliberating on the feasibility and viability of the Resolution Plan by the COC, on the advise of COC, the SRA filed their Final Amended Resolution Plan vide email dated 27.12.2024, which was opened by the Applicant before the COC in the 78th meeting held on 31.12.2024.

39. In the 78th COC Meeting held on 31.12.2024, the COC discussed upon the compliance, feasibility and viability of the Final Amended Resolution Plan and approved the Resolution Plan amounting to Rs. Rs.237.00 crores (Rupees Two Hundred and Thirty Seven Crores only) submitted by M/s.JEPL Consortium with 100% voting share in the electronic voting concluded on 15.01.2025. The voting share is detailed as follows:

S.No.	Name of the Financial Creditor	Voting Share %	Voting for Resolution Plan (Voted for/ Dissented / Abstained)
1.	Bank of Baroda	34.59	Voted for
2.	Union Bank of India (e-Andhra Bank)	24.12	Voted for
3.	Union Bank of India	15.59	Voted for
4.	Bank of India	10.68	Voted for
5.	Omkara Asset Reconstruction Private Limited	5.17	Voted for

6.	Indian Overseas Bank	4.68	Voted for
7.	State Bank of India	2.69	Voted for
8.	Indian Bank (e-Allahabad Bank)	2.03	Voted for
9.	Union Bank of India (e-Corporation Bank)	0.44	Voted for
Total		100%	

40. 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 18.01.2025, issued 'Letter of Intent' (**LoI**)¹⁴ to M/s. JEPL Consortium (JEPL) declaring them as Successful Resolution Applicant (SRA). They were requested to comply with the terms of the LOI and submit the Performance Security. In response, the SRA submitted the Performance Security by way of Bank Guarantee No.0897425BG0Y00008, dated 18.01.2025 for Rs.10.00 crores (Rupees Ten Crores only)¹⁵, valid upto 18.07.2025 with further claim period upto 18.08.2025 with acceptance of LOI.

41. After availing the extensions and exclusions allowed periodically due to Covid-19 general exclusion provided by the IBBI¹⁶ on 29.03.2020, Hon'ble NCLAT suo moto order dated 30.03.2020, stay orders, multiple litigations pending in the Hon'ble NCLAT during the CIRP period and Appeal

¹⁴ Letter of Intent as Annexure-111 @ pg. nos.1030A – 1030C of the application

¹⁵ Performance Bank Guarantee as Annexure – 112 @ pg. nos.1031 – 1035 of the application

¹⁶ Insolvency and Bankruptcy Board of India

CA No.008914/2022 pending before the Hon'ble Supreme Court of India, the last date for completing the CIRP was set at 25.01.2025 as per the **SC Order** dated 26.07.2024.

42. The salient details of the Resolution Plan dated 27.12.2024¹⁷ submitted by M/s.JEPL Consortium and as approved by the CoC, are as follows:

i. M/s.JEPL Consortium/SRA is a Consortium consisting of –

a) Mr. N.V.Rama Raju

Mr. N.V.Rama Raju is a first class contractor in civil works and diversified the group into Power, Mining, Entertainment, Food Processing, Hospitality and Real Estate, having 35 years of experience. He was awarded 'Bharath Udyog Pratibha' for his contribution in creating employment. He is a director in (i) Jalavihar Entertainment Pvt. Ltd; (ii) North Coastal Integrated Food Park Pvt. Ltd.; and (iii) North East Impex Pvt. Ltd.

b) Mrs. N. Indira.

Mrs. N. Indira is a business woman and started her career in 2001 as a Director of M/s.Jalavihar Entertainment Pvt. Ltd. She has keen business management skills with flair for both domestic and International Business relationship and has a passion for development of projects alongwith family members.

¹⁷ Resolution Plan dated 27.12.2024 as Annexure-1 @ pg. nos.54-114 of the application

c) M/s. Jalavihar Entertainment Private Limited (JEPL) –

M/s.JEPL started its operations since 2000, situated at Central Part of Hyderabad and is carrying on the business of running recreational activities for kids, families and friends.

d) M/s.North East Infrastructure Private Limited (NEIPL)

M/s.NEIPL was established in September, 2003 having its Registered office at Visakhapatnam and is carrying on the business of Housing Projects, Real Estate, Power Projects, Civil Works etc.

ii) The amounts provided for the stakeholders under the Resolution Plan are as under:

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	Nil	Nil	Nil	Nil
		(b) Other than (a) above.				
		(i) who did not vote in favour of the Resolution Plan				
		a) Secured Financial Creditor – 1 st Charge	Nil	Nil	Nil	Nil

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	b) Secured Financial Creditor – 2 nd Charge	Nil	Nil	Nil	Nil
	c) Unsecured Financial Creditors belonging to any class of Creditors (Allottees)	Nil	Nil	Nil	Nil
	(ii) who voted in favour of the resolution plan –				
	1. Bank of Baroda	606,45,53,130/-	606,45,53,130/-	79,56,18,892/-	13.12
	2. Union Bank of India (e-Andhra Bank)	422,87,35,028/-	422,87,35,028/-	55,47,74,837/-	13.12
	3. Union Bank of India	273,39,56,002/-	273,39,56,002/-	35,86,72,271/-	13.12
	4. Bank of India	187,26,82,923/-	187,26,82,923/-	24,56,80,412/-	13.12
	5. Omkara Asset Reconstruction Private Limited	90,64,38,895/-	90,64,38,895/-	11,89,17,238/-	13.12
	6. Indian Overseas Bank	82,02,03,027/-	82,02,03,027/-	10,76,03,810/-	13.12
	7. State Bank of India	47,18,92,031/-	47,18,92,031/-	6,19,08,306/-	13.12
	8. Indian Bank (e-Allahabad Bank)	35,67,05,768/-	35,67,05,768/-	4,67,96,827/-	13.12
	9. Union Bank of India (e-Corporation Bank)	7,64,33,227/-	7,64,33,227/-	1,00,27,403/-	13.12
	Total [(a) + (b)]	1753,16,00,031/-	1753,16,00,031/-	230,00,00,000/-	13.12

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2	Unsecured Financial Creditors (other than Financial Creditors belonging to any class of creditors)	(a) Creditors not having a right to vote under sub-section (2) of section 21	Nil	Nil	Nil	Nil
		(b) Other than (a) above:	Nil	Nil	Nil	Nil
		(i) who did not vote in favour of the resolution Plan				
		(ii) who voted in favour of the resolution plan				
		1) Smt. Ajita Yogesh	10,04,96,767/-	9,83,66,357/-	62,39,201/-	6.34
		2) Shri Yogesh Kumar	5,92,92,219/-	5,92,92,219/-	37,60,798/-	6.34
		Total[(a) + (b)]	15,97,88,986/-	15,76,58,576/-	99,99,999/-	6.34
3	Operational Creditors	(a) Related Party of Corporate Debtor	Nil	Nil	Nil	Nil
		(b) Other than (a) above:				
		(i) Government - a. EPFO	3,95,75,869/-	3,95,75,869/-	3,95,75,869/-	100%
		b. Other Government Authorities	440,37,94,629/-	440,37,94,629/-	50,00,000/-	0.11%
		(ii) Employee & Workmen	18,60,724/-	17,62,895/-	17,62,895/-	100%
		(iii) Other than Employee, Workmen & Govt. Dues	8,27,99,087/-	5,39,66,349/-	50,00,000/-	9.26%
		Total[(a) + (b)]	452,80,30,309/-	449,90,99,742/-	5,13,38,764/-	1.14%
4	Other debts and dues	Creditors of other Category:**			86,00,000/-	
		CIRP Cost			At actuals	
Grand Total					237,00,00,000/-	

****Note:** The contingency amount will be utilized to pay any dues relating to CIRP period arising after approval of Resolution Plan by NCLT but not factored by the RP as CIRP Cost within a period of 90 days. Any unpaid amount available in the contingency provision after expiry of 90 days will be paid to the Financial Creditors.

iii) As per the approved Resolution Plan, the Payout to various Stakeholders is as follows:

Payment Proposal	1st Instalment (Payment after NCLT approval within 45 days) (Rs. in crs.)	2nd Instalment (Payment after NCLT approval within 46-90 days) (Rs. in crs.)	Plan Amount (Rs. in crs.)	Remarks
CIRP Costs (As per RP's communication)	***	--	Nil	The unpaid CIRP costs are reported to be Nil. However, any unpaid CIRP costs arising at a later date and duly approved by the COC will be paid on priority out of Rs.231 crores earmarked for the Financial Creditors.
Financial Creditors***	115.50	115.50	231.00	Rs.230.00 crores to Secured Financial Creditors and Rs.1.00 crore to Unsecured Financial Creditors, as full and final settlement of their claims.
Dissenting Financial Creditors				No Dissenting Financial Creditors as the Resolution Plan approved by COC with 100% voting share.
Operational Creditors – Workmen and Employees	0.18	--	0.18	Rs.18.00 lakhs will be paid in priority over Financial Creditors.



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Operational Creditors - Suppliers	0.50	--	0.50	Rs.50.00 lakhs will be paid in priority over Financial Creditors.
Operational Creditors - EPFO	3.96	--	3.96	Rs.3.96 crores will be paid in priority over Financial Creditors.
Operational Creditors - Other Statutory Authorities	0.50	--	0.50	Rs.50.00 lakhs will be paid in priority over Financial Creditors.
Contingency	--	0.86	0.86	The contingency amount will be utilized to pay any dues relating to CIRP period arising after approval of Resolution Plan by NCLT but not factored by the RP as CIRP cost within a period of 90 days. Any unpaid amount available in the contingency provision after expiry of 90 days will be paid to the Financial Creditors.
Total	120.64	116.36	237.00	

*** CIRP Costs are stated as 'Nil'. In case any amount is payable under this head, such payment will be paid from Financial Creditors payout.



iv) **Fund infusion by Resolution Applicant for Capex / Working Capital in 2 Phases:**

The Resolution Applicant proposed to infuse an aggregate sum of Rs.90 crores into the CD through Special Purpose Company (**SPC**) for the purpose of augmenting the working capital and operations and also for renovation, construction or completion of the pending projects after a thorough Techno Economic Viability (TEV) and feasibility study.

Description	Fund Infusion within 90 – 120 days of NCLT Approval	Fund infusion after 120 days of NCLT approval
Equity / Debt infusion into the CD for the purpose of funding the working capital requirements of LMIPHL	Rs.10.00 crores (subject to full management control with the Resolution Applicant)	Rs.10.00 crores
Equity/Debt into the CD for capital expenditure like renovation, new addition, reconstruction etc.	Nil	Rs.70.00 crores over a period of 36 months, in phases.

v) **Management of the Corporate Debtor¹⁸:**

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 Chairperson; (ii) Two representatives from the COC; and (iii) Two representatives from M/s.JEPL Consortium. On and from the Effective Date, the Reconstituted Board shall be responsible for daily affairs and operations of the Company/CD.

vi) **Source of Funds¹⁹:** The SRA has made arrangements to make the entire payment of the Resolution Plan Amount in a phased manner and the following statement furnished giving the details of the liquid funds mobilised by JEPL Consortium and the assets being proposed to be sold for raising the required funds:

Sources of Funds				
S.No.	Description	Amount (in Rs.)	Owned by	Directors
1.	Cash & Bank Balance			
	N.V.Rama Raju	25,00,00,000/-		
	N. Indira	15,00,00,000/-		
	Jalavihar Entertainment Private Limited	5,00,00,000/-		Rama Raju Nadimpalli, N. Indira, Vijay Aditya Nadimpalli,

¹⁸ Pg. no.78 of the Application¹⁹ Pg. No.75 of the application

				N Satyasravani, Ch. Lakshmika
	North East Infrastructure Private Limited	5,00,00,000/-		Rama Raju Nadimpalli, N. Indira, Vijay Aditya Nadimpalli, N Satyasravani, Ch. Lakshmika
2.	Sale Agreement – Sale of land at Daspalla Hills, Visakhapatnam, Andhra Pradesh, total extent: 12,700 sq. yds. in Survey No.1028.	190,50,00,000/-	North East infrastructure Private Limited	Rama Raju Nadimpalli, N. Indira, Vijay Aditya Nadimpalli, N Satyasravani, Ch. Lakshmika
3.	Sale Agreement – Sale of land at Walltair Ward, Visakhapatnam, Total Extent: 5192 sy. Yds. in Survey No.1011/12	90,86,00,000/-	N.V.Rama Raju	
Total		331,36,00,000/-		

- 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 Regulations and has submitted Form-H under Regulation 39(4). A copy of the **Form-H** has also been filed.²⁰ It is submitted that the Resolution Applicant has

²⁰ Page nos. 1048 - 1063 of the Application



filed an Affidavit pursuant to Section 30(1) of IBC confirming that they are eligible to submit the Plan under Section 29A²¹ of IBC and that the contents of the said Certificate are in order. The **Fair Value** and **Liquidation Value** as submitted in Form-H are stated to be Rs.397.13 crores and Rs.109.37 crores respectively.

viii) **Reliefs & Concessions:** Besides seeking approval of the Resolution Plan submitted by M/s.JEPL Consortium, the Applicant has also prayed for grant of reliefs, waivers and concessions²² to the Resolution Applicant, as set out in SECTION-III K of the Resolution Plan.

43. In the above backdrop, we have heard the Learned Counsel for the Applicant and perused the records.

44. We have carefully considered the present application seeking approval of the Final Amended Resolution Plan submitted by M/s. JEPL Consortium on 27.12.2024.

45. While reviewing the resolution plan as aforesaid, we have taken into account the judgment in the case of **K. Sashidhar v. Indian Overseas Bank**²³ where the Hon'ble Supreme Court has held that:

²¹ Annexure – 115 (colly.) @ Pg. nos.1064 – 1079 of the application

²² Reliefs, Waivers and Concessions - @ pg. nos.86 to 94 of the application

²³ In K. Sashidhar v. Indian Overseas Bank & Others (in Civil Appeal No. 10673/2018) decided on 05.02.2019: (2019) 12 SCC 150



“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”.

46. The Hon’ble Supreme Court reiterated this view in the case of **Essar Steel**²⁴ 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, insofar as the Adjudicating Authority is concerned....”.

47. Reinforcing the above, the Hon’ble Supreme Court more recently has held in **Vallal RCK vs M/s Siva Industries**²⁵ that:

²⁴ 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**

²⁵ 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**



“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**²⁶, added a note of caution that

“...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

²⁶ Arun Kumar Jagatramka v. Jindal Steel & Power Ltd. (2021) 7 SCC 474] : (SCC p. 533, para 95)



foundational principles of the IBC.....”

48. 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 IBC and Regulations 37, 38 & 39 of CIRP Regulations. We also find that M/s.JEPL Consortium/SRA is eligible to submit the Resolution Plan under Section 29A of IBC. Copies of the Affidavits filed by the M/s.JEPL Consortium are filed as **Annexure – 115 (colly.) at pg. nos. 1064-1079 of the application.**

49. 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**.²⁷

50. With the above remarks, we hereby approve the Final Amended Resolution Plan dated 27.12.2024 submitted by the M/s. JEPL Consortium and Order as under:

- i. The Final Amended Resolution Plan dated 27.12.2024 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.
- iii. If the SRA fails to pay the amount as envisaged in the 'Comprehensive Resolution Plan' to the stakeholders within the timeline fixed in the Plan, the entire amount paid by the SRA shall be forfeited.

²⁷ 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

- 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 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. IA 15A/2021 filed under PUFEE transactions before this Authority will be pursued by the Financial Creditors. CA AT (Ins) 666/2020 pending before the Hon'ble NCLAT, New Delhi and any other pending litigations will be pursued by the Monitoring Committee.
- vii. Any amount of CIRP expenses in excess of the provision made will be borne by the Financial Creditors.

- viii. Henceforth, no creditors of the erstwhile Corporate Debtor can claim anything other than the liabilities referred to in the resolution plan.
- ix. The moratorium under Section 14 of IBC shall cease to have effect from the date of this order.
- x. 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.
- xi. The Applicant shall forthwith send a copy of this order to the CoC and the Successful Resolution Applicant.
- xii. The Registry is directed to furnish free copy to the parties as per Rule 50 of the NCLT Rules, 2016.
- xiii. 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.
51. Accordingly, **IA (IBC) (Plan) No.1/2025 in CP(IB) No.43/7/HDB/2018** is allowed and disposed of.

Sd/-

SANJAY PURI
MEMBER (TECHNICAL)

Sd/-

RAJEEV BHARDWAJ
MEMBER (JUDICIAL)

Syamala