

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Comp. App. (AT) (Ins.) No. 790 of 2022

In the matter of:

Rajendra B. Mehta & Ors.

....Appellants

Vs.

Vijendra Kumar Jain & Anr.

...Respondents

For Appellants: Mr. Rakesh Patiyal, Advocate.

For Respondents: Mr. Manish Jha, Advocate.
Mr. Saurabh Pandya, Mr. Viraj Parikh, Advocates for R2.

ORDER

(Through Virtual Mode)

27.07.2022: Delay in re-filing the Appeal is condoned.

Heard Learned Counsel for the parties.

2. This Appeal has been filed against the order dated 16.07.2021 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench by which the Adjudicating Authority has approved the Resolution Plan which had approval of the Committee of Creditors' (CoC) meeting held on 28.08.2019 with 100% majority.

3. Learned Counsel for the Respondents submits that against the same order dated 16.07.2021 another Operational Creditor- Department of Sales Tax has filed Company Appeal (AT) (Ins.) No. 972 of 2021 which Company Appeal has already been dismissed by this Tribunal vide its judgment dated 30.11.2021.

4. Learned Counsel for the Appellant submits that the Appellant-Operational Creditor has only been granted 1.07% of the admitted claim which is inequitable.

5. We having already dismissed the Appeal upholding the order of the Adjudicating Authority by earlier order dated 30.11.2021, this Appeal should also follow the same fate. The Appeal is dismissed.

**[Justice Ashok Bhushan]
Chairperson**

**[Justice M. Satyanarayana Murthy]
Member (Judicial)**

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

Anjali/nn