



IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 204
IB-1358/ND/2019
IA- 24/2024

IN THE MATTER OF:

M/s Shrem Residency Pvt. Ltd.

...

Applicant/Petitioner

Versus

Shraman Estate Pvt. Ltd.

...

Respondent

AND IN THE MATTER OF IA-24/2024

Mr. Shailesh Bhalchandra Desai,

Resolution Professional of Shraman Estates Pvt Ltd,

708, 7th Floor, Raheja Centre,

Nariman Point, Mumbai – 400021

...

Applicant/ RP

Under Section: 30(6) of IBC Code, 2016

Order delivered on 28.03.2025

CORAM:

SH. ASHOK KUMAR BHARDWAJ, HON'BLE MEMBER (J)

MS. REENA SINHA PURI, HON'BLE MEMBER (T)

PRESENT:

For the Applicant :

For the Respondent :

For the Suspended : Adv. Vishesh Issar

Director

For the SRA : Adv. Kaanchi Ahuja & Adv. Mukesh Jain in IA-24/2024

For the RP : Adv. Ayush in IA-24/2024

Hearing Through: VC and Physical (Hybrid) Mode

ORAL ORDER

IA- 24/2024: The prayer made in the captioned application reads thus: -

- a) *Consider and allow the instant IA No. of 2024 seeking approval of Resolution Plan under Section 30(6) read with Section 31;*



- b) *Consider and approve the Resolution Plan submitted on 24 April 2024 by Mr. Jaspal Singh Chandock which has been approved by the Committee of Creditors (CoC) u/s 31(1) of the Code;*
- c) *Consider closure of the corporate insolvency and resolution process of the Corporate Debtor on approval of the Resolution Plan under the Code;*
- d) *Consider declaring u/s 31(3)(a) of the Code that the moratorium u/s (e) 14(1) of the Code shall cease to have effect from the date the Hon'ble NCLT passes an order approving the Resolution Plan;*
- e) *Pass such other order(s) and/or direction(s) in the interest of justice which this Hon'ble Tribunal deems fit."*

2. The factual position has been enumerated in Para Nos. 1 to 35 of the application, which reads thus: -

1. **The Applicant submits that the application for the Corporate Insolvency Resolution Process (CIRP) was filed by Shrem Residency Private Limited in the matter of Corporate Debtor i.e. Shraman Estates Private Limited under Section 7 of the Insolvency and Bankruptcy Code, 2016 (IBC) read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, was admitted by the Hon'ble National Company Law Tribunal, New Delhi Bench vide order dated 23 January 2023 and Mr. Shailesh Bhalchandra Desai was appointed as the Interim Resolution Professional ("IRP"). The copy of the order was uploaded on the NCLT website on 01 February 2024. Copy of the said Order dated 23 January 2023 (uploaded on NCLT website on 01 February 2024) is hereto annexed and marked as "Annexure 1".**



2. The Applicant submits that in compliances with section 15 of the Insolvency and Bankruptcy code, 2016 the IRP made a Public Announcement on 02 February 2023 in Form A, in terms of Regulation 6 of the Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. Copy of the public announcement dated 02 February 2023 is hereto annexed and marked as "**Annexure 2**".

3. Pursuant to receipt of claims, the IRP constituted a Committee of Creditors ("**COC**") comprising of all the financial creditors in accordance with Section 21(1) of the Code in compliance with Regulation 17 and 13(1)(d) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016. Accordingly, the COC was constituted and report certifying the constitution of CoC was filed on 21 February 2023 before the Hon'ble NCLT.

4. The Applicant submits that during 1st CoC meeting held on 27 February 2023, the Applicant was confirmed as Resolution Professional with 100% votes in favour.

5. The Applicant submits that the claims of financial and operational creditors and Employees & Workmen as exist on the date of filing the present application is as follows:



1. Claims of financial creditors:

(Amount in Crores)



Sr No.	Category of creditors	Amount claimed	Amount Admitted	Voting (%)
Financial Creditor				
1.	Shrem Residency Private Limited	50.84	50.84	100%
	Total	50.84	50.84	100%

II. Claims of Operational Creditors (Government Dues):

The Applicant received a total claim from operational creditors (Government Dues) which is tabulated as under

(Amount in Crores)

Sr. No	Operational Creditor	Amount Claimed	Amount Admitted
1.	Income Tax Department	75.85	75.74
	Total	75.85	75.74

III. Claims of Operational Creditors (Employee & Workmen):

Applicant submits that there were no claims received from workmen and employees.

6. The Applicant submits that the summary of claims received and admitted from the stakeholders are as under:

(Amount in Crores)

Sr. no.	Category of Creditors	Amount Claimed	Amount of Claimed Admitted
1.	Financial Creditors	50.84	50.84
2.	Operational Creditors (Other than Workmen and Employees)	0	0
3.	Workmen Claims	0	0
4.	Employee Claims	0	0
5.	Government Dues	75.85	75.74
	Grand Total	126.69	126.58



7. The Applicant submits that about 8 COC meetings have been held during CIRP period, as follows:



Particulars	Date of COC Meeting
1st COC Meeting held on	27 February 2023
Particulars	Date of COC Meeting
2nd COC Meeting held on	23 March 2023
3rd COC Meeting held on	17 January 2024
4th COC Meeting held on	15 February 2024
5th COC Meeting held on	19 March 2024
6th COC Meeting held on	29 March 2024
7th COC Meeting held on	17 April 2024
8th COC Meeting held on	02 May 2024

8. The Applicant submits that, in accordance with Regulation 27 & 35 of IBBI (CIRP), Regulations 2016, two Registered Valuers have been appointed to determine the Fair Value and Liquidation Value of the CD. Valuer 1 - AAA Valuation Professionals LLP and Valuer 2 - GTech Valuers Private Limited.



9. The Applicant submits that the above-mentioned valuers have submitted their Valuation Reports containing Fair Market Value and Liquidation Value to the RP. Accordingly, the fair market value and Liquidation value are as under:

Shraman Estates Private Limited					
Valuation Figures					
S. No.	Valuer	Asset Class - L&B		Asset Class - SFA	
		Fair Market Value (in Rs.)	Liquidation Value (in Rs.)	Fair Market Value (in Rs.)	Liquidation Value (in Rs.)
1	AAA Valuation Professionals LLP	24,21,56,250	18,16,17,188	1,01,000	1,01,000
2	Gtech Valuers Pvt. Ltd.	27,50,13,000	19,25,10,000	1,05,000	1,05,000
	Average Values	25,85,84,625	18,70,63,594	1,03,000	1,03,000

10. The Applicant submits that the shareholder of the Corporate Debtor had filed an appeal vide CA 1240/2023 with the Hon'ble Supreme Court of India challenging the ongoing CIRP proceedings of the Corporate Debtor. The Hon'ble Supreme Court of India after hearing the matter vide order dated 24 April 2023 allowed the parties (shareholder of the Corporate Debtor and Shrem Residency Private Limited (Sole Financial Creditor) to explore the possibility of amicable settlement and accordingly stayed the CIRP. Copy of the order dated 24 April 2023 passed by the Hon'ble Supreme Court of India is hereto annexed and marked as "**Annexure 3**".

11. The Applicant submits that after multiple hearings which continued the stay on the CIRP, the Hon'ble Supreme Court of India vide order dated 05 January 2024 has lifted the stay on CIRP on account of settlement arrived by the parties vide Settlement Agreement dated 27 November 2023. Copy of the order dated 05 January 2024 passed by the Hon'ble Supreme Court of India is hereto annexed and marked as "**Annexure 4**".



12. The Applicant submits that he had filed an application bearing IA No. 1353 of 2024 on 20 January 2024 for seeking an exclusion of 265 days out of the CIRP period on account of stay imposed by Hon'ble Supreme Court of India. The said IA No. 1353 of 2024 was allowed vide an order dated 22 March 2024 and excluded 256 days from the CIRP period. Copy of the order dated 22 March 2024 is hereto annexed and marked as **"Annexure 5"**.

13. The Applicant submits that the CoC approved the commencement of EoI and Resolution Process vide their 2nd CoC meeting held on 23 March 2023 wherein Form G was issued on 24 March 2023. Copy of Form G published on 24 March 2023 is hereto annexed and marked as **"Annexure 6"**. Pursuant to which, the RP issued provisional list on 14 April 2023 with following PRAs:

Sr. No	Name of Prospective Resolution Applicants
1	Om Logistics Ltd
2	Sunrise Industries
3	Dhir Hotels and Resorts Pvt Ltd
4	Shrem Alloys Pvt Ltd
5	Prime Life Space Consultancy Pvt Ltd
6	One City Infrastructure Pvt Ltd
7	Noida Holdings Private Ltd
8	Ritu Housing Limited
9	CRL Rubber Jointly with Green One Drive Private Limited
10	Sagacious Capital Private Limited
11	Ramesh Chand Rana
12	Silver Stallion Limited
13	Kapil Mantri

Copy of the minutes of 2nd CoC meeting held on 23 March 2023 is hereto annexed and marked as **"Annexure 7"**.



14. The Applicant submits that as decided during 3rd CoC meeting held on 17 January 2024, the CoC advised the Applicant to restart a fresh EOI Process with revised criteria, Bid Evaluation Matrix and RFRP in order to maximise the value of the assets of the Corporate Debtor. Accordingly, the Applicant has issued a Form G dated 19 January 2024. Copy of the fresh Form G published on 19 January 2024 is hereto annexed and marked as "**Annexure 8**".

15. The Applicant submits that thereafter, the Final list was scheduled to release on 24 April 2023, however, due to imposition of stay on CIRP by Hon'ble Supreme Court vide order dated 24 April 2023, the final list was not released. During the period of stay on CIRP, several PRAs sought refund of their EMD on account of non-clarity on the future of CIRP, and thus as in today, the following PRAs are eligible to qualify in the Final List of PRAs:

Sr. No	Name of Prospective Resolution Applicants
1	Dhir Hotels and Resorts Pvt Ltd
2	Shrem Alloys Pvt Ltd
3	Prime Life Space Consultancy Pvt Ltd
4	Ritu Housing Limited
5	Sagacious Capital Private Limited

16. With the resumption of CIRP, the RP enquired whether the CoC is willing to proceed further for seeking Resolution Plans from the above 5 PRAs or they wish to restart the EOI process to attract a larger pool of PRAs.

17. The CoC members in 3rd CoC meeting held on 17 January 2024 approved issuance of fresh EoI, set forth eligibility criteria for resolution applicant i.e.



"RESOLVED THAT, pursuant to Section 25(2)(h) of the Code and rules & regulation made there under, the CoC approves the following: -

- i. Refundable non-interest-bearing deposit of Rs. 50 lacs to be submitted by the prospective Resolution Applicant along with their EoI.
- ii. Net Worth criteria for Body Corporate / Partnership Firm / Companies incorporated outside India / Investment Companies / FIs/ Fund houses / PE Investors / Individuals / Associates & Group Companies / Consortium of Investors - Minimum net worth of INR 25,00,00,000/- (Rupees Twenty-Five Crores only) as per the audited financial statements of FY2023.
 - a. Net worth is defined as per the section 2(57) of Companies Act 2013
 - b. In case of Potential Resolution Applicant other than Sole Individual Investor / Consortium of Sole Individual Investor, while providing the information and numbers for the net worth criteria, standalone net worth along with the

consolidated number with that of the promoter / promoter group and / or any of the group entities may be provided based on audited financial statements of FY2023 of Potential Resolution Applicant and such entities.

- c. In case consortium of Investors (Body Corporate / Partnership Firm / Companies incorporated outside India / Investment Companies / FIs/ Fund houses / PE Investors / Associates & Group Companies), the net worth shall be calculated as the aggregate of all consortium members' net worth. The consortium of investors among themselves shall choose one Anchor Applicant in the proposed consortium and only the Anchor Applicant shall make all the communication with the RP under the Resolution Process.



18. The Applicant submits that during the 3rd CoC Meeting held on 17 January 2024, discussion and deliberation on approval of Evaluation Matrix and Request for Resolution Plan ("RFRP") was held after the detailed discussion the CoC members have approved the RFRP and Evaluation Matrix. Below is the Illustrative Resolution Plan Evaluation Criteria:

Quantitative Parameters – 80 Marks

S. No.	Particulars	Marks
1	Upfront Recovery for Creditors	50
2	Net Present Value ("NPV") of continuing debt for Creditors (inclusive of upfront cash payment)	30

Sr No	Parameter	Scoring Methodology
Quantitative Parameters		
1	Upfront Cash Recovery to Creditors as per Resolution Plan	
	Upfront cash recovery is the upfront payment offered to both financial creditors and operational creditors as part of resolution plan.	The scoring shall be linked to the Resolution Debt of the Corporate Debtor: <ul style="list-style-type: none"> • H1 (highest ratio of upfront cash recovery/resolution debt) – 50 • H2 (second highest ratio of upfront cash recovery/resolution debt) – 40 • H3 (third highest ratio of upfront cash recovery/resolution debt) – 30 • Subsequent offers- 0



2	NPV of continuing Debt to Creditors as per Resolution Plan	
	<p>This shall be computed by discounting the future cash flows to be paid to both financial and operational creditors by following discount rates as noted below. NPV will also include upfront cash payment without any discount.</p> <ul style="list-style-type: none"> • 3 - 6 months: 12% • 6 - 12 months: 15% • 12 - 18 months: 18% 	<p>The scoring shall be as below:</p> <ul style="list-style-type: none"> • H1 (highest NPV) - 30 • H2 (second highest NPV) - 24 • H3 (third highest NPV) - 18 • Subsequent offers- 0

Qualitative Parameters - 20 Marks

S. No.	Particulars	Marks
1.	Viability of the Business Plan and Feasibility of the Resolution Plan	5
2.	Track Record/ Experience of the Resolution Applicant	5
3	Reputation and financial strength of Resolution Applicant	10

Qualitative Parameters		
1	Viability of the Business Plan and feasibility of the Resolution Plan	
	<p>This shall refer to reasonableness of assumptions in the business plan submitted by the Resolution Applicant and assessment of risks and mitigations related to implementation of the Resolution Plan including plan for other stakeholders, viz. Statutory Authorities, employees and operational creditors</p>	<p>Marks will be given on a scale of 5, depending on the assessment of reasonableness of assumptions and assessment of risks and mitigation factors related to the implementation of the proposed Resolution Plan. Higher the risk in assumptions, lower the score. The assessment and decision of the CoC shall be binding and final.</p>
2	Track record / Experience of the Resolution Applicant	
	<p>Track record would mean the experience of the Resolution Applicant in undertaking</p>	<p>Marks will be given on a scale of 5 based upon experience of the</p>
	<p>corporate M&A and experience in acquiring and turning around distressed assets.</p> <p>Experience of the Resolution Applicant shall refer to the years of operating experience that the Resolution Applicant has in the sector.</p>	<p>Resolution Applicant. The assessment and decision of the CoC shall be binding and final.</p>
3	Reputation and financial strength of Resolution Applicant	
	<p>This shall refer to the credit rating assigned by an accredited credit rating agency, to the fund and non-fund-based facilities availed by the Resolution Applicant. The credit rating report should have been issued within the last 15 months from the date of submission of the Resolution Plan for the ECR to be valid for evaluation purpose.</p>	<p>Marking will be as follows (including '+' and '-' of the ratings assigned):</p> <ul style="list-style-type: none"> • ECR equal to "A and above" - 10marks • ECR equal to "BBB" - 5 marks • "BB" and below or No ECR - No marks



Copy of minutes of 3rd CoC meeting held on 17 January 2024 is hereto annexed and marked as "**Annexure 9**".

19. The Applicant stated that, in response to Form G, he received Eol from 5 PRAs out of which all the PRAs are considered in the Provisional List dated 09 Feb 2024. Details as under:

Sr. No.	Name of Prospective Resolution Applicants
1	Om Logistics Ltd
2	Jaspal Singh Chandock
3	Metro Waste Handling Private Limited
4	Consortium of Resurgent Property Ventures Private Limited & Sanjay Lodha
5	Prime Life Space Consultancy Pvt Ltd

20. The Applicant submits that during 5th CoC meeting held on 19 March 2024, the Applicant informed the CoC that the last date of submission of the Resolution Plan is 27 March 2024, and the following PRAs are eligible to submit the Plan:

Sr. No	Name of Prospective Resolution Applicants
1	Om Logistics Ltd
2	Jaspal Singh Chandock
3	Metro Waste Handling Private Limited
4	Consortium of Resurgent Property Ventures Private Limited & Sanjay Lodha
5	Prime Life Space Consultancy Pvt Ltd

21. The Applicant submits that during 6th CoC meeting held on 29 March 2024, the Applicant informed that the last date for submission of the Resolution Plan was 27 March 2024, and the following PRAs were eligible to submit the Plan. Accordingly, the status of receipt of the Resolution Plan is as under:

Sr. No	Name of Prospective Resolution Applicants	Status
1	Consortium of Resurgent Property Ventures Private Limited & Sanjay Lodha	Submitted the Resolution Plan along with the EMD of Rs. 1 crore.
2	Om Logistics Limited	
3	Prime Life Space Consultancy Pvt Ltd	
4	Jaspal Singh Chandock	
5	Metro Waste Handling Private Limited	Did not submit the Resolution Plan



22. The Applicant submits that resolution plans received from all 4 above mentioned PRAs were placed before the CoC. After the opening of the Resolution Plans, the Applicant informed the CoC that he will examine all the Resolution Plans for their compliance under Section 30 of the Code. Post which, the Applicant will submit the compliant Resolution Plans for the consideration of the CoC.
23. The Applicant submits that during 6th CoC meeting held on 29 March 2024, since the 180th day of CIRP expiring on 03 April 2024 and looking to the time required to complete the Resolution Plan process, the CoC requested the Applicant to file an extension application for seeking 90 days from the Hon'ble Adjudicating Authority. Accordingly, resolution to file application for extension of 90 days was put to vote before CoC. The said resolution was approved with 100% votes in favour. Copy of the minutes of 6th CoC meeting held on 29 March 2024 is hereto annexed and marked as "**Annexure 10**".
24. The Applicant submits that he has filed an application bearing IA No. 1742 of 2024 on 02 April 2024 under Section 12 of the Code seeking order to extend the period of the CIRP of Shraman Estates Private Limited by 90 days from 03 April 2024. The said IA No. 1742 of 2024 allowed by the Hon'ble Adjudicating Authority vide an order dated 26 April 2024. Accordingly, CIRP period extended till 02 July 2024. Copy of the order dated 26 April 2024 is hereto annexed and marked as "**Annexure 11**".
25. The Applicant submits that during 7th CoC meeting held on 17 April 2024, detailed discussion and deliberations were held between the PRAs and CoC. All 4 PRAs firmly informed that today's negotiation process will be considered as a final opportunity for them and post which they were



requested to submit their final Resolution Plan by incorporating the comments / requirements of the CoC within 7 days i.e on or before 25 April 2023. All the PRAs agreed for submitted their best Resolution Plan within the given timeliness with the Applicant. Copy of the minutes of 7th CoC meeting held on 17 April 2024 is hereto annexed and marked as **"Annexure 12"**.

26. The Applicant submits that during 8th CoC meeting held on 02 May 2024, the Applicant has informed the CoC that as discussed and negotiated with each of the PRAs and had requested them to submit their Final Revised Resolution Plan by 25 April 2024. Accordingly, the status of the same is as under:

- a) **Om Logistics Ltd** – Submitted the Revised Plan, however, has sought additional time of 3-4 days to improve the plan.
- b) **Consortium of Resurgent Property Ventures Private Limited & Sanjay Lodha** - Submitted the Revised Plan, however, has sought additional time of 7 days to improve the plan.
- c) **Prime Life Space Consultancy Pvt Ltd** - Submitted the Revised Plan
- d) **Jaspal Singh Chandock** - Submitted the Revised Plan


27. The Applicant submits that during 8th CoC meeting, the CoC stated that in their previous meeting they had given clear instructions to the PRAs to submit their Final Resolution Plan by 25 April 2024, hence, the request of PRAs namely Om Logistics Ltd and Consortium of Resurgent Property Ventures Private Limited & Sanjay Lodha seeking further time to improve their plan cannot be acceded to. Accordingly, the CoC decided to proceed for evaluating the Resolution Plans as per the Evaluation Matrix. The scoring arrived for each Resolution Plan is as under:





Sr. No	Particulars of the Evaluation Matrix	Total Marks	Jaspal Singh Chandock	Prime Life Space	Om Logistics Ltd	Resurgent Property Ventures
1	Upfront Recovery for Creditors	50	50	40	30	0
2	Net Present Value of all payments to Creditors	30	30	24	18	0
3	Viability of the Business Plan and Feasibility of the Resolution Plan	5	3	5	5	4
4	Track Record/ Experience of the Resolution Applicant	5	3	3	4	5
5	Reputation and financial strength of Resolution Applicant	10	0	0	10	0
	Total Marks	100	86	72	67	9

28. The Applicant submits that thereafter, the Applicant invited the attention of the CoC to the Regulations 39B, 39BA, 39C & 39D of CIRP Regulation, 2016, which states *“While approving a resolution plan under sub-section (4) of section 30 or deciding to liquidate the corporate debtor under sub-section (2) of section 33”,* the CoC may decide on the same. Accordingly, the CoC deliberated in detail on the provisions of Regulations 39B, 39BA, 39C & 39D of CIRP Regulation, 2016 and opined that the IBBI Liquidation Regulations, 2016 also has the corresponding Regulations, and thus decided that the Stakeholder’s Consultation Committee (SCC) formed under Liquidation Process will take the underlying decisions as per the relevant situation at that period of time.

29. The Applicant submits that during 8th CoC meeting held on 02 May 2024, the Resolution Plans submitted by all 4 PRAs were put to vote before CoC. As per the e-voting result of the said meeting the resolution plan received from Mr. Jaspal Singh Chandock was approved by the CoC with 100%  votes in favour. Details of the e-voting result are summarised as follows:



Sr. No	Particulars	Particulars of Votes Cast	
		Particulars	% Voting
1	Resolution No. 1 - To approve the Resolution Plan dated 24th April 2024 submitted by Mr. Jaspal Singh Chandock "RESOLVED THAT pursuant to Section 30(4) of Insolvency & Bankruptcy Code, 2016 and Regulation 39(3) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation, 2016 the CoC, after considering the feasibility and viability and the manner of distribution proposed of the Resolution Plan, hereby approves the Resolution Plan dated 24th April 2024 submitted by Mr. Jaspal Singh Chandock". The above resolution requires 66% of votes.	Votes cast in favour	100
		Votes cast against	-
		Votes Abstained	-
		Total	100%
		Result: Resolution received 100% of votes. Hence passed.	
		Votes in Favour: CoC Members mentioned in point 6 - SRPL	
		Votes Against: Nil	
		Votes Abstained: Nil	

Copy of the minutes of 8th CoC meeting held on 02 May 2024 along with e-voting results are hereto annexed and marked as "**Annexure 13 colly**".


30. The Applicant outlines the various compliances envisaged within the Code and the CIRP Regulations in respect of a Resolution Plan received, considered and approved by the CoC and the same is provided hereunder:

I. Submission of Resolution Plan in terms of sub-section (2) of

Section 30 of the Code:

Section	Requirement	How the clause is dealt with in the Plan (Page no. and Para no.)
30(1)	Eligibility Affidavit of the Resolution Applicant u/s 29A of the Code	Affidavit u/s 29A is provided by the PRA to Resolution Professional
30(2)(a)	Plan must provide for payment of CIRP cost in priority to payment of other debts of CD in the	The details are provided at Page 20, Para 7.2 "Payment towards Corporate Insolvency Resolution Process Cost"



Section	Requirement	How the clause is dealt with in the Plan (Page no. and Para no.)
	manner specified by the Board	
30(2)(b)	<p>(i) Plan must provide for payment of debts of OCs in such manner as may be specified by the Board which shall not be less than the amount to be paid to them in the event of liquidation u/s 53; or</p> <p>(ii) Plan must provide for payment of debts of OCs in such manner as may be specified by the Board which shall not be less than amount that would have been paid to such creditors, if the amount to be distributed under the resolution plan had been distributed in accordance with the order of priority in sub-section (1) of Section 53,</p> <p>whichever is higher and provides for payment of debts of financial creditors who do not vote</p>	<p><i>The details are provided at Page 24, Para 7.4 "Proposal for Operational Creditors"</i></p> 



	in favour of the resolution plan, in such manner as may be specified by the Board, which shall not be less than the amount to be paid to such creditors in accordance with subsection (1) of Section 53 in the event of liquidation of the Corporate Debtor.	
30(2)(c)	Plan provides for Management of the affairs of the CD after approval of the resolution plan	<i>The details are provided at Page 44, Para 19 "Management and Control of the business of the Corporate Debtor"</i>
30(2)(d)	Plan provides for Implementation and Supervision of Resolution Plan	<i>The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; other terms"</i>
30(2)(e)	Plan does not contravene any of the provisions of the law for the time being in force.	<i>The details are provided at Page 16, Para 4.5</i>
30(2)(f)	Plan conforms to such other requirements as may be specified by the Board	

Measures required for implementation of the Resolution Plan in terms of Regulation 37 of CIRP Regulations:

Particulars	How the sub-regulation to Regulation 37 is dealt with in the Plan (Page no. and Para no.)
A resolution plan shall provide for the measures, as may be necessary, for insolvency resolution of the corporate debtor for maximization of value of its assets, including but not limited to the following:-	



(a) transfer of all or part of the assets of the corporate debtor to one or more persons;	<i>Not proposed in the Resolution Plan</i>
(b) sale of all or part of the assets whether subject to any security interest or not;	<i>Not proposed in the Resolution Plan</i>
(ba) restructuring of the corporate Debtor, by way of merger, amalgamation and demerger	<i>Not proposed in the Resolution Plan</i>
(c) the substantial acquisition of shares of the corporate debtor, or the merger or consolidation of the corporate debtor with one or more persons;	<i>The details are provided at Page 44, Para 18 "Acquisition of the Corporate Debtor"</i>
(ca) cancellation or delisting of any shares of the corporate debtor, if applicable;	<i>The details are provided at Page 44, Para 18 "Acquisition of the Corporate Debtor"</i>
(d) satisfaction or modification of any security interest;	<i>The details are provided at Page 21, Para 7.3 "Proposal for Financial Creditor"</i>
(e) curing or waiving of any breach of the terms of any debt due from the corporate debtor;	<i>The details are provided at Page 55, "Compliance table"</i>
(f) reduction in the amount payable to the creditors;	<i>The details are provided at Page 17, Para 7.1 "Total bid value proposed to be paid to Stakeholders"</i>
	<i>The details are provided at Page 21, Para 7.3 "Proposal for Financial Creditors"</i> <i>The details are provided at Page 24, Para 7.4 "Proposal for Operational Creditors"</i> <i>The details are provided at Page 25, Para 7.5 "Proposal for Workmen & Employees"</i>



(g) extension of a maturity date or a change in interest rate or other terms of a debt due from the corporate debtor;	<i>The details are provided at Page 55, "Compliance table"</i>
(h) amendment of the constitutional documents of the corporate debtor;	<i>The details are provided at Page 55, "Compliance table"</i>
(i) issuance of securities of the corporate debtor, for cash, property, securities, or in exchange for claims or interests, or other appropriate purpose;	<i>The details are provided at Page 55, "Compliance table"</i>
(j) change in portfolio of goods or services produced or rendered by the corporate debtor;	<i>The details are provided at Page 55, "Compliance table"</i>
(k) change in technology used by the corporate debtor; and	<i>Not proposed in the Resolution Plan</i>
(l) obtaining necessary approvals from the Central and State Governments and other authorities.	<i>The details are provided at Page 32, Para 13.1 "List of Permissions, Sanctions, Consents, Approvals, Authorizations, Permission, Allowances, Exemptions etc"</i>

Mandatory contents of Resolution Plan in terms of Regulation 38 of

CIRP Regulations:

<i>Reference to relevant Regulation</i>	<i>Requirement</i>	<i>How the same is dealt with in the Plan (Page no. and Para no.)</i>
38(1)	The amount payable under Resolution Plan (a) to the operational creditors shall be paid in priority over financial creditors; and	<i>The details are provided at Page 24, Para 7.4 "Proposal for Operational Creditors"</i> <i>The details are provided at Page 21, Para 7.3 "Proposal for Financial Creditors"</i>




	(b) to the financial creditors, who have a right to vote under sub-section (2) of Section 21 and did not vote in favour of the Resolution Plan shall be paid in priority over financial creditors who voted in favour of the plan.	
38(1A)	A resolution plan shall include a statement as to how it has dealt with the interests of all stakeholders, including financial creditors and operational creditors, of the corporate debtor.	<i>The details are provided at Page 52, Para 22.7 (s)</i>
38(1B)	A resolution plan shall include a statement giving details if the resolution applicant or any of its related parties has failed to implement or contributed to the failure of implementation of any other resolution plan approved by the Adjudicating Authority at any time in the past.	<i>The details are provided at Page 14, Para 3.1</i>
38(2)	A resolution plan shall provide: (a) the term of the plan and its implementation schedule;	<i>The details are provided at Page 46, Para 21 "Term of the plan and implementation schedule"</i>



(b) the management and control of the business of the corporate debtor during its term; and	<p><i>The details are provided at Page 39, Para 16 "Formation of Monitoring committee"</i></p> <p><i>The details are provided at Page 44, Para 19 "Management and control of the business of the Corporate Debtor"</i></p>
(c) adequate means for supervising its implementation.	<p><i>The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; other terms"</i></p>
<p>(d) provides for the manner in which proceedings in respect of avoidance transactions, if any, under Chapter III or fraudulent or wrongful trading under Chapter VI of Part II of the Code, will be pursued after the approval of the resolution plan and the manner in which the proceeds, if any, from such proceedings shall be distributed:</p> <p>Provided that this clause shall not apply to any resolution plan that has been submitted to the Adjudicating Authority under sub-section (6) of section 30 on or before the date of commencement of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) (Second Amendment) Regulations, 2022.</p>	<p><i>The details are provided at Page 27, Para 7.8 "Treatment of amounts claimed under ongoing Avoidance Transactions under IBC"</i></p>



<p>38(3)</p> 	<p>A resolution plan shall demonstrate that –</p> <p>(a) it addresses the cause of default;</p> <p>(b) it is feasible and viable;</p> <p>(c) it has provisions for its effective implementation;</p> <p>(d) it has provisions for approvals required and the timeline for the same; and</p> <p>(e) the resolution applicant has the capability to implement the resolution plan.</p>	<p>a) The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor"</p> <p>b) The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor"</p> <p>c) The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; other terms"</p> <p>d) The details are provided at Page 32, Para 13.1 "List of Permissions, Sanctions, Consents, Approvals, Authorizations, Permission, Allowances, Exemptions etc"</p> <p>e) The details are provided at Page 14, Part B "Resolution Applicant and credentials"</p> <p>The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor"</p>
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31. The Applicant submits that the plan submitted on 24 April 2024 by Mr. Jaspal Singh Chandock was approved with requisite majority of 100% **votes in favour which is more than the requisite threshold of 66% as required under the Code**. The Applicant states that the resolution plan stood approved by requisite majority in accordance with Section 30 (4) of the Code. Copy of the Final Resolution Plan submitted on 24 April 2024 by Mr. Jaspal Singh Chandock which has been voted in favour by the CoC members is annexed herewith and marked as "**Annexure 14**".

32. The Applicant submits that subsequently in view of provision of Code a Letter of Intent dated 08 May 2024 to the successful Resolution Applicant calling upon Resolution Applicant to furnish an unconditional and irrevocable Performance Guarantee or Direct Deposit of Rs. 5,60,00,000/-. Copy of Letter of Intent dated 08 May 2024 duly accepted by the Successful Resolution Applicant is annexed herewith and marked as "**Annexure 15**".

33. The Applicant submits that the Compliance Certificate in Form H dated 24 May 2024 as prepared by the Applicant RP is also annexed herewith and marked as "**Annexure 16**" in compliance with Regulation 39(4) of the CIRP Regulations, 2016.

34. The Applicant submits that in compliance with the RFRP, Regulation 39(4) of the CIRP Regulations, 2016 and the letter of intent dated 08 May 2024 the successful resolution applicant has deposited the amount of Bank Guarantee of Rs. 5,60,00,000/- towards his performance guarantee. Copy of the relevant Bank Statement and email confirmation from the Bank which confirming that an amount of Rs.5,60,00,000/- received from the Successful Resolution Applicant towards Performance Bank Guarantee are annexed herewith and marked as "**Annexure 17 colly**".



35. CIRP Timelines:

The Applicant provides a timeline of the Corporate Insolvency and Resolution Process for sake of easy reference:

Sr. No	Timeline of CIRP	No of Days	Date
1.	Insolvency commencement date and appointment of IRP	0	23 January 2023
2.	Original 180 th Day of Corporate Insolvency and Resolution Process	180	22 July 2023
3.	Exclusion of 265 days from the CIRP period on account of stay imposed by Hon'ble Supreme Court of India, IA 1353 of 2024 allowed vide Order dated 22 March 2024. However, the Hon'ble Adjudicating Authority has excluded 256 days instead of 265 days.	Exclusion of 256 days	256 days lapsed
4.	Revised 180 th Day of Corporate Insolvency and Resolution Process	180	03 April 2024
5.	Extension of 90 days, IA 1742 of 2024 allowed vide Order dated 26 April 2024 (from 180 to 270 days of CIRP period) Prayer to seek extension of 90 days in terms of Provisions of Section 12	270	02 July 2024



3. Our Attention is drawn to the provisions that have been made in Clause 7.2 of the Plan, which states that the CIRP cost shall paid in priority before any payment is made to the creditors. The clause reads thus: -



7.2 Payment towards Corporate Insolvency Resolution Process Cost ("CIRP Cost")

- (a) As per the provisions of IBC, the CIRP Cost shall be paid in priority before any payments are made to any other creditors. The CIRP Costs shall, amongst other things, include the fees, along with costs and charges incurred by the Resolution Professional, in running the operations of the Corporate Debtors as a going concern, as applicable.
- (b) Resolution Applicant proposes that the CIRP Cost shall be paid at actuals over and above the Total Offer amount in priority over other payments to other Stakeholders.
- (c) The Resolution Applicant shall deposit the funds towards the CIRP cost in the designated account as per the schedule mentioned in Clause 21.2.

4. The plan also provides for payment to the Operational Creditors in priority over the Financial Creditors. Clause 7.4 of the Plan wherein such provision has been made reads thus: -

7.4 Proposal for Operational Creditors

- a) As per the information memorandum, Resolution Professional has received the below claims from Operational Creditors.

Sr. No	Name of the Operational Creditor	Claim Admitted (Rs.)	Amount Allocated in this Resolution Plan towards Admitted Claim (Rs.)
1	Income Tax Department	75,74,670	1,00,000
	TOTAL	75,74,670	1,00,000

- b) The Resolution Applicant has proposed a consideration of Rs. 1,00,000/- towards the full and final settlement of the admitted claim of the Operational Creditors.
- c) As per the provisions of IBC, the payment due to operational creditors should not be less than:
 - i. *the liquidation value payable to such operational creditors in the event of a liquidation of the Corporate Debtor under sub section (1) of section 53 of the IBC; or*
 - ii. *the amount that would have been paid to such Operational Creditors, if the amount to be distributed under the Resolution Plan is distributed shall be in accordance with the order of priority in sub-section (1) of section 53 of the IBC, whichever is higher.*
- d) *Pursuant to Regulation 38(1) of CIRP Regulations, the amount due to Operational Creditors, if any, shall be provided priority in payment over Financial Creditors*



5. The source of fund as well as the total consideration under the plan has been provided under clause 11 of the plan, which reads thus: -

PART D: SOURCES OF FUNDS AND TREATMENT OF STAKEHOLDERS

11 SOURCES OF FUNDS

The Total Bid Value shall be funded by the Resolution Applicant from its own sources via equity infusion from their own internal funds, funds raised from Directors etc.

- 11.1 The Resolution Applicant confirms that it has sufficient funds / resources to make the payment of Total Bid Value as per this Resolution Plan and/or can raise such amounts from other sources also.
- 11.2 However, the Resolution Applicant retains the right to also arrange funding from various other sources including but not limited to strategic investors, raising debt from banks and/or financial institutions, issuance of Debt Instruments, etc. or to alter the funding mix and capital structure. However, under all scenarios the Resolution Applicant shall continue to be promoted, controlled and managed by entities that meet the requirements of the IBC and is /are eligible under Section 29A of IBC. The funds shall also be sourced from the entities which are complaint under Section 29A IBC.

11.3 The payments proposed to be made under this Resolution Plan:

Sr No.	Particulars	Amount (Rs.)
1.	Payment of CIRP Costs	At actuals
2.	Payments towards claims of Financial Creditors (secured and unsecured)	27,99,00,000/-
3.	Payments towards claims of Operational Creditors	1,00,000/-
4.	Payments towards claims of Employees	Nil
5.	Payments towards any other Debts	Nil
6.	Funds infused in Corporate Debtor for future business development	5,00,00,000/-
	TOTAL	33,00,00,000/-

- 11.4 The successful implementation of this Resolution Plan by the Resolution Applicant shall not be limited to the abovementioned sources of funds and any variation, modification or alteration of the funding proposed above shall not be deemed to be a non-compliance of the terms of this Resolution Plan.



6. The provisions regarding the implementation schedule of the plan are given in Part-H of the Plan, which reads thus: -

PART H: IMPLEMENTATION AND SUPERVISION OF THE RESOLUTION PLAN
OTHER TERMS

21 TERM OF THE PLAN AND IMPLEMENTATION SCHEDULE

21.1 The term of this Resolution Plan shall be from the Effective Date to the Closure Date.

21.2 The indicative implementation schedule for this Resolution Plan is set out below:

Sr. No.	Key steps for Implementation	Indicative Timeline (Days)
1	Effective Date (as defined in this Resolution Plan)	T
3	Formation of Monitoring Committee and Dissolution of CoC	T+1 Day
4	Restatement of the Assets or Liabilities of the Corporate Debtor on account of impairment by the Resolution Applicant	T+1 Day
5	Reconstitution of the Board of Directors of the Corporate Debtor such that the nominees of the Resolution Applicant shall constitute the members of the Board of the Corporate Debtor	T+1 Day
6	Cancellation and reduction of the entire issued share capital of the Corporate Debtor (including Preference shares and equity shares issued on conversion of the secured equity amount & Related Equity Amount)	T+1 Day
7	Opening of the Designated Bank Account	T+1 Day
9	Payment of the outstanding CIRP cost, if any, in the priority to any of the creditors	T+10 Day
10	Priority Payment towards Operational Creditors, Dissenting Financial Creditors, if any, Workmen & Employees	T+10 Day
11	Payment to Consenting Financial Creditors	T+10 Day
12	Restoration of Power of Reconstituted Board of Directors	T+11 Day
13	Receipt of no dues letter from Financial Creditors, Copies of encumbrance documents in respect of Admitted Financial Debt to be handed over to the Resolution Applicants, the CoC and their legal advisors	T+11 Day
14	Handover of possession of the Corporate Debtor along with original property Title Deeds, business records, accounting records, statutory records and similar documents/information	T+11 Day



7. The clause 16 under Part F of the plan provides for the formation of a Monitoring Committee for supervising the implementation of the plan. Relevant excerpt of clause 16 reads thus: -

16 FORMATION OF MONITORING COMMITTEE

16.1 The Resolution Applicant proposes that upon the NCLT approval of this Resolution Plan, the following measures shall be taken during the Implementation Period:

- (a) A Committee consisting of the Resolution Professional, one member of the Financial Creditor and one nominee of the Resolution Applicant ("Monitoring Committee"). The Monitoring Committee shall manage the affairs of the Corporate Debtor during the Implementation Period. The Chairman of the Monitoring Committee shall be Resolution Professional.
- (b) The Monitoring Committee shall oversee the implementation of this Resolution Plan. The Monitoring Committee shall take all steps in accordance with its powers under this Resolution Plan as required, for its effective implementation.
- (c) The Monitoring Committee shall nominate signatories for operating the Designated Account in which the Total Bid Value shall be deposited by the Resolution Applicant.
- (d) The remuneration of the Chairman of the Monitoring Committee shall be the same as that of the Resolution Professional. Any cost towards the Monitoring Committee shall be borne by the Resolution Applicant over and above the Total Bid Value.
- (e) The voting rights of the existing shareholders and all incidental rights available to them as shareholders shall stand extinguished, denuded, and unavailable.

8. The SRA has filed affidavit in terms of Section 29A of the IBC, 2016. The affidavit, enclosed at page 153 of the application, reads thus: -

I, Jaspal Singh Chandock, son of Prehlad Singh Chandock aged 60 Yrs resident of Hari Niwas, Plot No.54, 33rd Road, Behind McDonalds, Khar (West), Mumbai – 400052, do solemnly affirm and say as follows:

- 1. That I am the Resolution Applicant and as such I am conversant with the contents of the Resolution Plan and competent to swear this affidavit and depose to its contents;
- 2. That I am submitting the Resolution Plan for the corporate insolvency resolution of M/s Shraman Estates Private Limited ("Corporate Debtor") under the provisions of the Insolvency and Bankruptcy Code, 2016 ("Code") and the rules made thereunder, as amended from time to time;



3. That I am eligible to submit the Resolution Plan and:

- a. Is not an undischarged insolvent;
- b. Is not a wilful defaulter in accordance with the guidelines of the Reserve Bank of India ("RBI") issued under the Banking Regulation Act, 1949;
- c. At the time of submission of the Resolution Plan, does not have an account or an account of corporate debtor under the management or control of such Resolution Applicant / Directors / Designated Partners / Partners or of whom Resolution Applicant / Directors / Designated Partners / Partners is a promoter which has been classified as a 'non-performing asset' in accordance with the guidelines of the RBI issued under the Banking Regulation Act, 1949 (10 of 1949) or the guidelines of a financial sector regulator issued under any other law for the time being in force;
- d. I, along with the connected persons have not been convicted for any offence punishable with imprisonment:
 - i. for 2 (two) years or more under any Act specified under the Twelfth Schedule of the Code;
 - ii. for 7 (seven) years or more under any other law for the time being in force: or, if applicable:
- e. I am not disqualified to act as a 'director' under the Companies Act, 2013;
- f. I am not prohibited by the Securities and Exchange Board of India from trading in securities or accessing the securities markets;
- g. I am not been a promoter or in control of any other corporate debtor in which a preferential transaction, undervalued transaction, extortionate credit transaction or fraudulent transaction has taken place and in respect of which an order has been made by the Adjudicating Authority under the provisions of the Code.
- h. I have not executed any guarantee in favour of a creditor in respect of a corporate debtor against which an application for insolvency resolution made by such creditor has been admitted under the Code.
- i. I am not subjected to any such disability, corresponding to section 29A of the Code, under any law in a jurisdiction outside India;
- j. I do not have a connected person who is ineligible under clause (a) to (i) of section 29A of the Code.
- k. That the Resolution Applicant unconditionally and irrevocably agrees and undertakes that it shall make full disclosure in respect of itself and all its connected persons as specified.



9. Our attention is drawn to the Performance Security Amount of Rs. 5,60,00,000/- deposited by SRA in the CIRP account of the Corporate Debtor maintained with State Bank of India. Copy of the relevant bank statements and email confirming the depositing of aforementioned amount has been enclosed as Annexure- 17 to the application.

10. The cause of default and the mechanism to address the same are given in clause 12 of the Plan, which reads thus: -

12 DETAILS OF BUSINESS TURNAROUND OF THE CORPORATE DEBTOR

Cause of Default:

Based on the information gathered by the Resolution Applicant, the Corporate Debtor had planned for sale of plot of 1 acres for residential/farmhouse purposes. However, the policy for permitting sale of 1 acre plots was delayed and eventually not announced, which has been the primary reason for the default to the creditors.

Addressing cause of default:

The Resolution Applicant intends to develop and sell the land parcel as farmhouse plots as per the prevailing guidelines of the Delhi Development Authority and Municipal Corporation of Delhi. The Resolution Applicant shall undertake landscaping activities, plot demarcation. The Resolution Applicant shall primarily target the affluent New Delhi audience for marketing the farmhouse plots.

The Resolution Applicant proposes to infuse Rs. 5,00,00,000 (Rupees Five Crores) towards business development, marketing, plotting and landscaping expenses (as and when required). The above-mentioned funds shall be inducted within 24 months as per as per the business requirement.

11. The fair value and liquidation value of the assets of the Corporate Debtor, as mentioned in certificate given by RP in Form H, is Rs. 25,86,87,625/- and Rs. 18,71,66,594/- respectively.



12. The details of distribution of the consideration for the plan offered by the SRA to the stakeholders has been provided in clause (7) of Form H given by RP.

The same reads thus: -

SN	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	-	-	-	-
		(b) Other than (a) above: (i) who did not vote in favour of				
SN	Category of Stakeholder*	Sub-Category of Stakeholder	Amount Claimed	Amount Admitted	Amount Provided under the Plan#	Amount Provided to the Amount Claimed (%)
		the resolution Plan	50,84,31,270	50,84,31,270	27,99,00,000	55.06%
		(ii) who voted in favour of the resolution plan				
		Total[(a) + (b)]	50,84,31,270	50,84,31,270	27,99,00,000	55.06%
2	Unsecured Financial Creditors	(a) Creditors not having a right to vote under sub-section (2) of section 21				
		(b) Other than (a) above: (i) who did not vote in favour of the resolution Plan (ii) who voted in favor of the resolution plan	-	-	-	-
		Total[(a) + (b)]	-	-	-	-



3	Operational Creditors	(a) Related Party of Corporate Debtor	-	-	-	-
		(b) Government Dues	75,85,000	75,74,670	1,00,000	1.32%
		(c) Employees & workmen	-	-	-	-
		(d) Other than workmen & Employees & Government Dues	-	-	-	-
		Total[(a)+(b)+(c)+(d)]	75,85,000	75,74,670	1,00,000	1.32%
4	Other debts and dues		-	-	-	-
Grand Total - INR			51,60,16,270	51,60,05,940	28,00,00,000	56.38%

13. The RP has also certified that the plan is in compliance with the provisions of IBC, 2016 r/w CIRP Regulations, 2016. The relevant excerpts of the certificate read thus: -

9. The compliance of the Resolution Plan is as under:

Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	Compliance (Yes / No)
25(2)(h)	Whether the Resolution Applicant meets the criteria approved by the CoC having regard to the complexity and scale of operations of business of the CD?	Requisite details / Information / Documents pertaining to eligibility / capability of the Resolution Applicant has been provided by the Resolution Applicant as part of the Resolution Plan / expression of interest and / or as part of the supporting documents with the Resolution Plan / expression of interest.	YES
Section 29A	Whether the Resolution Applicant is eligible to submit resolution plan as per final list of Resolution Professional or Order, if any, of the Adjudicating Authority?	Requisite details / Information / Documents pertaining to compliance with Section 29A of the Code have been provided by the Resolution Applicant as part of the Resolution Plan/	YES



		expression of interest and / or as part of the supporting documents with the Resolution Plan / expression of interest	
Section 30(1)	Whether the Resolution Applicant has submitted an affidavit stating that it is eligible?	Provided separately along with the documents relating to the Resolution Plan	YES
Section 30(2)	Whether the Resolution Plan- (a) provides for the payment of insolvency resolution process costs?	The details are provided at Page 20, Para 7.2 "Payment towards Corporate Insolvency Resolution Process Cost"	YES
	(b) provides for the payment to the operational creditors? (b) provides for the payment to the financial creditors who did not vote in favor of the resolution plan?	The details are provided at Page 24, Para 7.4 "Proposal for Operational Creditors"	YES
	(c) provides for the management of the affairs of the corporate debtor?	The details are provided at Page 44, Para 19 "Management and Control of the business of the Corporate Debtor"	YES
	(d) provides for the implementation and supervision of the resolution plan?	The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; other terms"	YES
	(e) contravenes any of the provisions of the law for the time being in force?	The details are provided at Page 16, Para 4.5	YES
Section 30(4)	Whether the Resolution Plan (a) is feasible and viable, according to the CoC? (b) has been approved by the CoC with 66% voting share?	The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor" The Resolution plan approved with 100% votes in favour	YES
Section 31(1)	Whether the Resolution Plan has provisions for its effective implementation plan, according to the CoC?	The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; other terms"	YES



Regulation 35A	Where the resolution professional made a determination if the corporate debtor has been subjected to any transaction of the nature covered under sections 43, 45, 50 or 66, before the one hundred and fifteenth day of the insolvency commencement date, under intimation to the Board?	The details are provided at Page 27, Para 7.8 "Treatment of amounts claimed under ongoing Avoidance Transactions under IBC"	YES
Regulation 38 (1)	Whether the amount due to the operational creditors under the resolution plan has been given priority in payment over financial creditors?	The details are provided at Page 24, Para 7.4 "Proposal for Operational Creditors"	YES
Regulation 38(1A)	Whether the resolution plan includes a statement as to how it has dealt with the interests of all stakeholders?	The details are provided at Page 52, Para 22.7 (s)	YES
Regulation 38(1B)	(i) Whether the Resolution Applicant or any of its related parties has failed to implement or contributed to the failure of implementation of any resolution plan approved under the Code. (ii) If so, whether the Resolution Applicant has submitted the statement giving details of such non-implementation?	The details are provided at Page 14, Para 3.1	YES
Regulation 38(2)	Whether the Resolution Plan provides: (a) the term of the plan and its implementation schedule? (b) for the management and control of the business of the corporate debtor during its term? (c) adequate means for supervising its implementation?	(a) The details are provided at Page 46, Para 21 "Term of the plan and Implementation Schedule" (b) The details are provided at Page 39, Para 16 "Formation of Monitoring Committee" The details are provided at Page 44, Para 19 "Management and	YES
		Control of the Business of the Corporate Debtor" (C) The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; Other Terms"	



38(3)	Whether the resolution plan demonstrates that: (a) it addresses the cause of default? (b) it is feasible and viable? (c) it has provisions for its effective implementation? (d) it has provisions for approvals required and the timeline for the same? (e) the resolution applicant has the capability to implement the resolution plan?	a) The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor" b) The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor" c) The details are provided at Page 46, Part H "Implementation and Supervision of the Resolution Plan; other terms" d) The details are provided at Page 32, Para 13.1 "List of Permissions, Sanctions, Consents, Approvals, Authorizations, Permission, Allowances, Exemptions etc" e) The details are provided at Page 14, Part B "Resolution Applicant and credentials" The details are provided at Page 31, Para 12 "Details of business turnaround of the Corporate Debtor"	YES
39(2)	Whether the RP has filed applications in respect of transactions observed, found, or determined by him?		NO
Regulation 39(4)	Provide details of performance security received, as referred to in sub-regulation (4A) of regulation 36B.]	Received by way of RTGS. Thus, RP has a total of	YES
		Rs. 5.60 crores as performance security.	

14. In clause (4) of the certificate, the RP has specifically certified that the Plan does not contravene any of the provisions of law for the time being in force. The clause (4) of the certificate reads thus: -



4. I hereby certify that-

(i) the said Resolution Plan complies with all the provisions of the Insolvency and Bankruptcy Code 2016 (Code), the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (CIRP Regulations) and does not contravene any of the provisions of the law for the time being in force.

(ii) the Resolution Applicant Mr. Jaspal Singh Chandock has submitted an affidavit pursuant to Section 30(1) of the Code confirming its eligibility under Section 29A of the Code to submit resolution plan. The contents of the said affidavit are in order.

(iii) the said Resolution Plan has been approved by the CoC in accordance with the provisions of the Code and the CIRP Regulations made thereunder. The Resolution Plan has been unanimously approved by 100 % of voting share of financial creditors after considering its feasibility and viability and other requirements specified by the CIRP Regulations.

(iv) The voting was held in the meeting of the CoC on May 2, 2024 where all the members of the CoC were present.

15. As far as the issue of reliefs and concessions which fall in the jurisdiction of different Government Authorities, and/ or are subjected to the provisions of different laws for the time being in force are concerned, it is made clear that the amount payable by the SRA in terms of the plan to different creditors, stakeholders, and to keep the Corporate Debtor as a going concern cannot be subject to any condition, assumptions, relief/ concessions and/ or qualification. It also needs to be underlined that the provisions of Section 31(4) of IBC, 2016 mandates the Resolution Applicant to obtain the necessary approval required under any law for the time being in force within a period of one year from the date of approval of the resolution plan by the Adjudicating Authority under Section 31 of the IBC, 2016. In terms of the provisions of Section 14 of the Code even during the period of CIRP, no default in payment of current dues is a precondition for continuation of the License, Permit, Registration and similar rights. Thus, even during the moratorium period, some of the facilities forming part of the reliefs and concessions sought are made available to the CD only when there is no default in



payment of the current dues. On approval of the Resolution Plan, the SRA/CD cannot be put on a better footing by exempting it from paying its legitimate dues under the law. For the sake of convenience, the explanation below Section 14 of the code is extracted below:

“14. Moratorium. –

(1) Subject to provisions of sub-sections (2) and (3), on the insolvency commencement date, the Adjudicating Authority shall by order declare moratorium for prohibiting all of the following, namely: -

(a)

(b)

(c)

(d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.

Explanation.- For the purposes of this sub-section, it is hereby clarified that notwithstanding anything contained in any other law for the time being in force, a licence, permit, registration, quota, concession, clearance or a similar grant or right given by the Central Government, State Government, local authority, sectoral regulator or any other authority constituted under any other law for the time being in force, shall not be suspended or terminated on the grounds of insolvency, subject to the condition that there is no default in payment of current dues arising for the use or continuation of the license, permit, registration, quota, concession, clearances or a similar grant or right during the moratorium period;”

(Emphasis Supplied)

16. In any case, in terms of the provisions of Sections 13 and 15 of the IBC 2016 read with Regulations 6, 6A, 7, 8, 8A, 9 and 9A of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations 2016, all the claimants such as Operational Creditors, Financial Creditors, Creditors in Class, Workmen and Employees and other Creditors can raise their claims before the IRP/RP. The



claims are dealt with by IRP in terms of the provisions of Section 18(1)(b) of the IBC, 2016 and by RP in terms of the provisions of Section 25(1)(b) thereof read with Regulations 12A, 13 and 14 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. Thereafter, the RP prepares an Information Memorandum in terms of the provisions of Regulation 36(2) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. The Memorandum contains inter alia a list of creditors containing the range of creditors, the amounts claimed by them, the amount of their claim admitted and the security interest if any in respect of such claims. As has been provided in Regulation 36(1) of the Regulations (ibid), the Information Memorandum is required to be submitted in electronic form to each member of CoC, on or before 95th day from the Insolvency commencement date. As has been provided in Regulation 36A of the Regulations the RP publish brief particulars of the invitation for Expression of Interest in Form G of Schedule I to the Regulations at the earliest i.e. not later than 60th day from the Insolvency commencement date, from interested and eligible Prospective Resolution Applicants to submit Resolution Plans. As can be seen from Regulation 36B of the Regulations, the RP shall issue Information Memorandum Evaluation Matrix (IMEM) and request for Resolution Plans, within 5 days of the date of issue of provisional list of eligible Prospective Resolution Applicants (required to be issued under Regulation 36A(10) of the Regulations). It is with reference to such Information Memorandum Evaluation Matrix that the RP issues request for Resolution Plan. The request for Resolution Plan details each step in the process and the manner and purposes of interaction between the Resolution Professional



and the Prospective Resolution Applicant. The Resolution Plan submitted after consideration of the IMEM and RFRP is then examined by the Committee of Creditors. Nevertheless, it needs to satisfy the requirements of Regulation 37 and 38 of the extant Regulations. Once the plan is approved by the CoC, in terms of the provisions of Regulations 39 of the aforementioned Regulations, it virtually becomes a contract entered into between the CD represented through RP, SRA and the Creditors of the CD. On being approved by this Adjudicating Authority, by operation of Section 31(1) of the Code, the plan becomes binding on the Corporate Debtor and 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 enforced such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the Resolution Plan. Thus, Section 31(1) of IBC, 2016, takes care of most of the relief/concession/waiver solicited by the Resolution Applicant.

17. Besides, in terms of the provisions of Section 32A, for an offence committed prior to the commencement of the Corporate Insolvency Resolution Process, the liability of the CD ceases and the CD is not liable to be prosecuted from the date of approval of Resolution Plan by this Adjudicating Authority, if the Resolution Plan results in change of management or control of the CD to a person who was not promotor or in the management or control of the CD or a related party of such a person or a person with regard to whom the concerned Investigating Agency has reason to believe that he had abated or conspired for the commission of the offence



and has submitted or filed a report or a complaint to the relevant statutory authority or Court. In such cases, where the prosecution is instituted against the CD, during CIRP, the CD stands discharged qua the same from the date of approval of the Resolution Plan. Nevertheless, every person who was a designated partner as defined in clause (j) of Section 2 of the Limited Liability Partnership Act, 2008, “an officer who is in default” as defined in Clause (60) of Section 2 of Companies Act, 2013 or was in any manner in charge of, or responsible to the CD for the conduct of his business or associated with the CD in any manner and was directly or indirectly involved in the commission of an offence as per the report submitted or complaint filed by Investigating Agency shall continue to be liable to be prosecuted and punished for such an offence committed by the Corporate Debtor notwithstanding the Corporate Debtors’ liability ceases after approval of the plan.

18. In the wake of the provisions of Section 32A(2), no action is taken against the property of the Corporate Debtor in relation to an offence committed prior to the commencement of the Corporate Insolvency Resolution Process of the CD, where such property is covered under Resolution Plan approved by this Authority under Section 31, which result in the change in the control of the CD to a person who was not a promotor or in the management or control of the Corporate Debtor or related party of such person or a person with regard to whom the Investigating Agency has reason to believe that he had abated or conspired for commission of the offence and has submitted or filed a report or complaint to the relevant statutory authority or Court.



19. The action against the property of the Corporate Debtor as referred to in Section 32A of the Code includes the attachment, seizure, retention or confiscation under such law as may be applicable to the Corporate Debtor. One may also be not oblivious of the fact that in the backdrop of provisions of Section 31(3)(a) of the IBC, 2016, the moratorium order passed by the Adjudicating Authority under Section 14 ceases to have effect. In sum and substance, the SRA/CD would be entitled to no other relief/concession/waiver except those, which are available to it as per the provisions of Section 31(1) and 32A of IBC, 2016.

20. In any case, the resolution plan also indicated that irrespective of any grant of any agreed concession by this tribunal as prayed by the SRA, the plan would be implemented. The relevant excerpt of the application reads thus: -

13 RELIEFS AND CONCESSIONS SOUGHTBY RESOLUTION APPLICANT

The Resolution Applicant requests for the reliefs, concessions and dispensations set out in order for this Resolution Plan to be successful and each of these may be included in the NCLT order approving this Resolution Plan and if not expressly included, shall be deemed to be included in such order unless expressly disallowed by the NCLT. We hereby clarify that any such disallowance of the concessions, reliefs and dispensations as sought for, shall not impact the effectiveness or implementation of this Resolution Plan.

The grant or non-grant of the reliefs under this Resolution Plan will not affect the implementation of this Resolution Plan and the same should not be viewed as conditionalities to the implementation of this Resolution Plan or any timelines for such implementation. The Resolution Applicant will not modify the terms of this Resolution Plan (including the quantum of payment or the terms of settlement proposed in respect of a creditor of the Corporate Debtors and the timeline within which the payment or settlement is to be made) if any concession, relief or dispensation is not granted by the relevant Adjudicating Authority.

21. Further, the Applicant/ RP also furnished an affidavit dated 27.03.2025 wherein it was conceded that there were inadvertent errors in page 16 of the



application as instead of mentioning the claims of the Operational Creditors in lakhs, the same were mentioned in crores. Furthermore, the Applicant also furnished a corrected tabular representation. Relevant excerpt of the affidavit reads thus: -

4. During the drafting of the said Interlocutory Application, inadvertent errors were committed on page 16 while mentioning the dues of the Operational Creditors and eventually calculating the total claims. That instead of mentioning claims of Operational Creditors in Lakhs the same were mentioned in Crores. The correct tabular representation of the same is provided herein under:

II. Claims of the Operational Creditors (Government Dues)

The Applicant received a total claim from Operational Creditors (Government Dues) which is tabulated as under

(Amount in Lakhs)

Sr. No.	Operational Creditor	Amount Claimed	Amount Admitted
1.	Income Tax Department	75.85	75.74
	Total	75.85	75.74

III. Claims of Operational Creditors (Employee & Workmen):

The applicant submits that there were no claims received from workmen and employees.

6. *The Applicant submits that the summary of claims received and admitted from the stakeholders are as follows:*

(Amount in Crores)

Sr. No.	Category of Creditors	Amount Claimed	Amount of Claimed Admitted
1.	Financial Creditors	50.84	50.84



2.	Operational Creditors (Other than Workmen and Employees)	0	0
3.	Workmen Claims	0	0
4.	Employee Claims	0	0
5.	Government Dues	0.7585	0.7574
	GRAND TOTAL	51.5985	51.5974

5. It is also humbly and respectfully requested that the Applicant be permitted to place on record the minutes of the 9th CoC meeting, held on 10.09.2024, wherein six matters were discussed and it was unanimously resolved with 100% votes in favour of CoC that, *"pursuant to section 28(1)(m) of the Insolvency and Bankruptcy Code, 2016 and CIRP Regulations, 2016 the CoC approves the appointment of IRA & Associates, Chartered Accountants for a professional fee of Rs. 30,000/- plus GST plus OPE (at actuals) for auditing the books of account and financial statements for the financial year ending in 31st march, 2023."*
6. Correcting the inadvertent calculation errors, as well as placing on record the minutes of the 9th CoC meeting, is imperative for the adjudication of the present application.
7. No harm or prejudice would be caused to the Corporate Debtor if the calculation mistakes are rectified and the minutes of the 9th CoC meetings are placed on record. However, grave prejudice and irreparable loss would be suffered by the Applicant if such calculation errors are not amended and if the minutes of the CoC meeting are not placed on record.
8. The balance of convenience is wholly in favour of the Applicant and the instant affidavit is bonafide and filed in the interest of justice.

22. During the course of today's hearing, Advocate Mukesh Jain, Ld. Counsel for SRA, submitted that not an amount of Rs. 1 Lakh, but an amount of Rs. 75,74,670/- would be paid to Income Tax Department and such provision for



payment would be outside the scheme of the plan. It was further submitted that such payment to Income Tax Department would be made within one week from 31.03.2025. The SRA also furnished his affidavit of undertaking to pay the aforementioned amount to the Income Tax Department by 31.03.2025, outside the scheme of the plan. The affidavit reads thus: -

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE SUCCESSFUL
RESOLUTION APPLICANT**

I, Jaspal Singh Chandock, an adult Indian Inhabitant, the Successful Resolution Application, having office at Hari Niwas, Plot No. 54, 33rd Road, Behind Mcdonalds, Khar(W), Mumbai 400052 do hereby solemnly affirm and state as under: -

1. In the course of hearing on 28th March 2025 i.e. today before this Hon'ble Tribunal, my Counsel i.e. Advocate Mukesh Jain gave an undertaking that at the entire claim of Rs 75,74,670/- of the Income Tax Department shall be allowed instead of the sum of Rs One lakh provided in Resolution plan.
2. That the payment of the above amount to the Income Tax Department shall be made by or before 31.3.2025.
3. Pursuant to allowing the the entire claim of the Income Tax Department of a sum of Rs 75,74,670/-, the value of the Resolution Plan shall correspondingly increase.

23. In the backdrop of aforementioned factual position, discussion, analysis and findings, the IA- 24/2024 filed by the RP for approval of the Resolution Plan is allowed. The Plan submitted by the SRA, certified by the RP by issuing a certificate in prescribed form viz. Form "H", is approved.

24. As a sequel, we issue the following directions: -



- i. The approved Resolution Plan shall become effective from the date of passing of this Order and shall be implemented strictly as per the term of the plan and implementation schedule given in the Plan;
- ii. All claims which have not been dealt with in the Resolution Plan do not survive after the approval of the Resolution Plan;
- iii. The SRA/CD would be entitled to no other reliefs/ concessions/waivers except those are available/ permissible to it as per the provisions of Section 31(1) and 32A of IBC, 2016. The SRA is at liberty to approach the relevant authorities who would consider these claims as per the provisions of the relevant law in an expeditious manner;
- iv. Following steps would be taken in terms of the resolution plan: -

SL. NO.	STEP TO BE TAKEN	TIMELINE FROM DATE OF RECEIPT OF ORDER
1.	Effective Date	T (45 days from the receipt of order)
2.	Constitution of Monitoring Committee	T+1 Day
3.	Reconstitution of the Board of Directors	T+1 Day
4.	Cancellation/ Reduction in share capital of CD	T+1 Day
5.	Payment of CIRP Cost	T+10 Days
6.	Payment to Operational Creditors including workmen and employees and Dissenting Financial Creditors	T+10 Days
7.	Payment to Consenting Financial Creditors	T+10 Days



- v.** The order of the moratorium in respect to the corporate debtor passed by this Adjudicating Authority under Section 14 of the IBC, 2016 shall cease to have effect from the date of passing of this Order;
 - vi.** The SRA shall act in terms of the provisions of Section 31(4) of IBC 2016;
 - vii.** The Monitoring Committee shall file progress report regarding implementation of the Plan before this Tribunal, every month;
 - viii.** The RP shall forward all the records relating to the conduct of the CIRP and the Resolution Plan to the IBBI for its record and database;
 - ix.** The RP shall also forthwith send a copy of this order to the participants and the Resolution Applicant. He would also send a copy of this order to the ROC concerned within 15 days of this order;
 - x.** The RP shall intimate each claimant about the principle or formulae, as the case may be, for payment of debts under the Plan;
- 25.** The Court Officer and Resolution Professional (RP) shall forthwith make available/send a copy of this Order to the CoC and the Successful Resolution Applicant (SRA) for immediate necessary compliance.
- 26.** A copy of this order shall also be sent by the Court Officer and Applicant to the IBBI and RoC for their record.

Sd/-
(REENA SINHA PURI)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)
Jitendra/ Atul Raj