

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

**Company Appeal (AT) (Insolvency) No. 1810 of 2024**

**IN THE MATTER OF:**

**Gurmukh Singh, Suspended Director**  
**Adarsh Super Construction Pvt. Ltd.**

**...Appellant**

**Versus**

**Nuvoco Vistas Corporation Ltd.**  
**(Earlier Known as Lafarge India Ltd.) & Ors.**

**...Respondent**

**Present:**

**For Appellant : Dr. Rajansh Thukral, Dr. Surekha Thukral, Mr. Sidharth Thukral, Advocates.**

**For Respondent : Mr. Ashwani Sharma, Advocate for R-2 (RP).  
Mr. Ravi Sehgal, Ms. Roopali Lakhotia, Advocates for R-3.**

**O R D E R**  
**(Hybrid Mode)**

**11.11.2024:** Learned counsel for the Respondent No.3 submits that 12A proposal was not approved by the CoC, hence, the said settlement has been dropped. Learned counsel for the Operational Creditor submits that under the settlement the Respondent No.1 has received the amount.

Be that as it may. Respondent No.3 is the sole member of the CoC, which has rejected the 12A proposal.

Learned counsel for the Appellant submits that there was pre-existing dispute between the parties prior to issuance of demand notice dated 31.07.2018 and details were given in the Reply to the Section 9 application at Para 13, however, the Adjudicating Authority has not considered the pre-existing dispute and admitted the Section 9 application.

*Cont'd.../*

We have looked in to the paragraphs which contain detailed averments and pleading regarding pre-existing dispute. Submission made by learned counsel for the Appellant needs consideration.

Issue notice. Let Reply be filed by the Respondents within three weeks. Rejoinder be filed within two weeks thereafter.

List this Appeal for admission on **18.12.2024**.

In the meantime, CIRP against the Corporate Debtor may proceed, however, no Resolution Plan shall be put for consideration.

**[Justice Ashok Bhushan]**  
**Chairperson**

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

**[Arun Baroka]**  
**Member (Technical)**

*Archana/nn*