

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

Company Appeal (AT) (Insolvency) No. 1114 of 2022

IN THE MATTER OF:

RMY Industries LLP

...Appellant

Versus

**Apple Industries Pvt. Ltd.
Through its Official Liquidator**

...Respondent

Present:

**For Appellant: Mr. Gaurav Gupta and Mr. Samyak Gangwal,
Advocates.**

For Respondents:

ORDER

12.10.2022: Heard learned counsel for the appellant. This Appeal has been filed against the order dated 01.08.2022 by which order I.A. No. 880/2022 filed by the Appellant for certain reliefs and concessions has been rejected.

2. Appellant was the Successful Auction Purchaser in the liquidation proceeding where assets were sold as going concern on 'as is where is' basis. In the application I.A. No. 880 of 2022, the Appellant in Para 28 has claimed about 30 reliefs and concessions. The Adjudicating Authority has rejected application observing that no relief and concession can be granted.

3. Learned counsel for the Appellant has relied on judgment of this Tribunal in "***Company Appeal (AT) (Ins.) No. 650 of 2020, M/s Shiv Shakti Inter Globe Exports Pvt. Ltd. vs. M/s KTC Foods Private Limited***". In the aforesaid case with regard to liquidation sale as going concern Liquidator has filed application for certain relief which was related to the past dues and prayer

for extinguishment of past/ remaining unpaid outstanding liabilities, which was permitted.

4. We are of the view that the Adjudicating Authority is empowered to consider any application filed by the Liquidator or Successful Auction Purchaser, which may arise with regard to terms and conditions of auction sale or sale as going concern as per the Liquidation Regulation. We, thus, are of the view that end of justice be served in giving liberty to the Appellant to file an appropriate application before the Adjudicating Authority, which may arise from the terms and conditions of the auction sale or sale as going concern, which may be considered by the Adjudicating Authority. The Appeal is disposed of with liberty aforesaid.

**[Justice Ashok Bhushan]
Chairperson**

**[Dr. Alok Srivastava]
Member (Technical)**

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

Archana/nn