



**IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I**

**IA No. 4878 of 2023
IN
CP (IB) No. 3755/MB/C-I/2019**

Under Section 30 (6) of the Insolvency and Bankruptcy Code, 2016 (“code”) r/w Regulation 39(4) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for seeking approval of the resolution plan under the provisions of Section 31(1) of the code.

Mr. Ajay Marathe,

Resolution Professional,

Paranjape Agro India Products India Private Limited

...Applicant

In the matter of

Canara Bank

...Financial Creditor

Versus

Paranjape Agro India Products India Private Limited

...Corporate Debtor

Order Delivered on :- 05.01.2024

Coram:

Hon’ble Member (Judicial) : Justice V.G. Bisht (Retd.)

Hon’ble Member (Technical) : Mr. Prabhat Kumar



Appearances:

For the Resolution Professional : Mr. Prakash Shinde, Advocates

ORDER

Per: Justice V.G. Bisht, Member (Judicial)

1. The present application is moved by Resolution Professional **Mr. Ajay Marathe** (hereinafter called as “the Applicant”) under section 30 (6) of the Insolvency and Bankruptcy Code, 2016 (“IBC/code”) r/w Regulation 39(4) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for seeking approval of the resolution plan of consortium of Agraj Food Processors, Abhishek Thatte, Praduymna Thatte & Puja Thatte (hereafter called as the “**Successful Resolution Applicants/SRA**”) under the provisions of Section 31(1) of the code, for **Paranjape Agro Products India Private Limited** (hereinafter called as the “**Corporate Debtor**”) and for passing order/appropriate direction that this Tribunal may deem fit in the present matter.
2. The CIRP was initiated against the Corporate debtor vide Order dated 20.06.2022. The Applicant herein was appointed as the Interim Resolution Professional (hereinafter referred to as the IRP) and was



subsequently confirmed as the Resolution Professional (hereinafter referred to as the RP).

3. As mandated under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (“CIRP Regulations”) published public announcement in FORM-A dated 16.06.2022 in Financial Express, (English Edition) and Dainik Prathakal (Marathi Edition).
4. Pursuant thereto, the Applicant received claims and basis the verification of claims, the Applicant constituted the CoC with the sole financial creditor namely Canara Bank with 100% voting share.
5. The Applicant conducted the 1st meeting of the CoC on 13.07.2022 wherein *inter alia* the resolution for appointing the Applicant as the Resolution Professional was passed and he was confirmed as the RP. Further, Dharkar &Kothari, Chartered Accountant was appointed to conduct the transaction audit and prepare the report for the period between 01.04.2017 – 10.06.2017.
6. The Applicant appointed two registered valuers for each class of assets of the Corporate Debtor for determining the Fair Value and the Liquidation Value and submitted their valuation reports.
7. In the third CoC meeting the Applicant placed before the CoC draft Form G invitation of Expression of Interest for approval. Pursuant to



the resolution passed by the CoC, the Applicant published the FORM-G dated 27.08.2022 for Inviting Expression of Interest wherein the last date to submit EOI was stated as 11.09.2022.

8. Subsequently, in the fourth CoC meeting held on 21.09.2022, the CoC resolved to extend timelines for submission of EOI's and Resolution Plan. It is submitted that two EOI's were received from PRA's, however, the Request for Resolution Plan (RFRP) and Information Memorandum was yet to be circulated amongst the PRA's.
9. In the interim, considering the timelines for completion of CIRP, the Applicant sought approval from CoC during the 6th CoC meeting held on 16.11.2022 for extension of CIRP period by 90 days. The Applicant upon receiving the approval from CoC filed an Application bearing IA No. 3804 of 2022 seeking extension of 90 days. The said Application was allowed vide order dated 01.11.2023 granting extension of 90 days from the date of the order.
10. Thereafter on 02.12.2022, RFRP was issued to PRA's and on 9th December 2022 Information Memorandum was submitted to the CoC and was thereafter issued to the PRA's on 10.12.2022. It is submitted that on 16.12.2022, the Applicant filed an application for avoidance transactions being IA No. 1768 of 2023.



11. It is submitted that the CoC granted extension of time was submission of Resolution Plan till 17.01.2023 and second extension was granted till 01.02.2023. Since, no plan were received the CoC resolved that a fresh Form G for inviting EOI from Prospective Resolution Applicants be issued.
12. Pursuant to the publication of fresh FORM-G, the Applicant published fresh public announcement as approved by CoC in its 7th CoC meeting held on 09.02.2023. The Applicant informed the COC that he has received Expression of Interest ("EOI") from 6 prospective Resolution Applicant ("PRA") till 10 March, 2023 and the same was presented before the CoC on 20th March, 2023. RFRP was issued for second time on 25th March, 2023 and the final list of Resolution Applicants was circulated to CoC on 31 March, 2023 and last date of submission for Resolution Plan was 24th April 2023 and the last date was extended at the request of 3 PRA to 9th May, 2023.
13. Thereafter, till 9th May, 2023, the Applicant was in receipt of two resolution plans which were received from Mr. Vinay Oswal and Consortium of Agraj Food Processors, Abhishek Thatte, Pradyumna Thatte & Puja Thatte. The Applicant verified the resolution plans received to ensure that it complies with Section 30 of IBC 2016, Regulation 38 of CIRP regulations & other applicable provisions. The



Applicant also conducted due diligence of Resolution Applicant & submitted his report to CoC about the compliance with provisions of Section 29A of the IBC and apprised about the same in the ninth CoC meeting held on 19th June, 2023. As per the instruction of CoC, the Applicant invited RA for the Ninth CoC meeting and informed them about modification to be incorporated in resolution plan so as it will comply with requirement.

14. Further, CoC instructed the Applicant to invite the RA in tenth CoC meeting held 11th August, 2023 to negotiate the terms of resolution plan. Accordingly, rounds of negotiation was conducted with RA during the meeting. After completion of 3 rounds of negotiation, the Applicant requested RA to submit revised resolution plan for approval of CoC.
15. Subsequently, the Applicant received the modified resolution plan on 19th August 2023 and in the 11th CoC meeting held on 25.08.2023, the revised Resolution Plan was put for approval. On 16th September 2023, the CoC intimated the Applicant that the Resolution Plan submitted by consortium of Agraj Food Processors, Abhishek Thatte, Pradyumna Thatte and Puja Thatte was approved with voting majority of 100%.
16. Subsequent to the approval of the said Resolution Plan by the CoC, the Applicant issued the Letter of Intent dated 23rd September, 2023 to the



Successful Resolution Applicant. The SRA has submitted the performance guarantee of Rs.76,00,000/- (Rupees Seventy Six Lakh only) was received in the bank account of the Corporate Debtor on 25.09.2023 through NEFT.

17. The value of the said Resolution Plan is Rs. 7,60,00,000/- (Rupees Seven Crore Sixty Lakhs only) which includes the payments towards the CIRP cost, payment to IBBI and payment to the Financial Creditors and the summary of payment is enumerated below.

Sr.No.	Particulars	Amount(in Lakh)
1.	Insolvency Resolution Process Cost	50.00
2.	IBBI Regulatory Fee	1.77
3.	Secured Financial Creditors	680.10
4.	Workmen and Employees Dues	0.00*
5.	Operational Creditors	0.00
6.	Statutory Liabilities Excluding PF dues	2.55
7.	PF Department Dues	25.58
	TOTAL	760.00



18. The workmen of the Corporate Debtor filed claims amounting to Rs.17.69 lakh out of which the RP has admitted the claim of an amount of Rs.17.69 lakh. The similar amount, as claimed by these workmen, were claimed by PF department also, accordingly this claim has been treated as claim of the PF Department and this claim has been accepted by the RP. The Resolution Applicant proposes to pay the entire PF dues of workmen as claimed by the PF Department. Hence, the RA does not propose to pay any further amount towards the workmen claims, as the same stands subsumed in the PF dues claim.
19. Moreover, the Applicant submits that the employees of the Corporate Debtor filed claims amounting to Rs.2.52 lakhs out of which the RP has admitted the claims of an amount of Rs.2.52 lakhs. The claims of these employees have been included in the claim filed by the PF Department and this claim has been accepted by the PF. The Successful RA proposes to pay the entire PF dues of the employees as claimed by the PF Department (excluding damages and interest).
20. As far the claims of the operational creditor of the Corporate Debtor amounting to Rs.66.61 lakhs out of which the RP has admitted the claims to an amount of Rs. 66.61 Lakhs. The Successful RA does not propose to make a payment towards these claims. All the dues of the operational creditors from the CD stand settled fully and no

amount/claim shall remain outstanding from the CD after the payment.

In the event of liquidation as per distribution under section 53 of the code, the assets of the corporate debtor do not stand to be sufficient to suffice the dues of operational creditor under this category

21. The source of the funds shall be by way of own funds contribution from the RA and through credit facility from Bank of Maharashtra or any other financial institution. The Resolution Plan provides for payment of CIRP costs at actuals amounting to Rs.50 Lakh.
22. The claim towards Statutory dues filed by the creditors of the Corporate Debtor is amounting to Rs.1.65 Crores out of which the RP has admitted the claims to an amount of Rs.1.65 Crores. The Successful RA has proposed to make a payment of INR 29.19 lakhs towards these claims as computed with the exception towards dues of Provident Fund Claim since these are employees welfare dues. Payment towards Provident Fund claim are being paid in full to the extent of the dues, excluding the damaged and penalties as informed by the RP. The Payment will be made within 80 days from the effective date. It is submitted that after payment of the aforementioned amount as proposed by the RA, all the claims towards statutory dues from the CD stand settled fully and no amount/ claim shall remain outstanding from the CD after the payment.



23. The claim of GST as accepted by the RP is of Rs.1,08,44,437/-.

However, during the due diligence done by the RA, it has been found that according to the order passed by the Assistant commissioner CGST & C. Excise, Div-V, Thane Rural Commissionerate dated 10 March, 2023, the corrected amount of tax along with interest thereon is of Rs.43.19 lakhs. The total dues towards GST department now stand at RS. 1.51 crores. As per the slab rates, the RA proposes to pay 1% of the total amount of the GST department. The RA proposed that the payment to be done to the operational creditors under the Resolution Plan by bringing the funds into the account of the Corporate Debtor and paying all the operational creditors from the account of the Corporate Debtor.

24. The Creditor-wise amount proposed to be paid by the Resolution Applicant is as follows:

Sr. No.	Particulars	Amount of claims submitted INR	Amount admitted INR	Amount offered INR
1.	Goods and Service Tax	1,08,44,437	1,08,44,437 (as admitted by RP) 43,19,735 (as per order)	1,51,642

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I

IA No. 4878 of 2023 In CP (IB) No. 3755/MB/C-I/2019

			Total: 1,51,64,172	
2.	Professional Tax	1,03,850	1,03,850	10,385
3.	Provident Fund	47,878	47,878	0
4.	Income Tax	6,34,037	6,34,037	31,702
5.	PF claim	49,46,003	Dues of Employees and Wokrmen 25,58,549	25,58,549
			Damages and Interest 23,87,454	59686
	Total	1,65,76,205	1,65,76,205	2811964

25. Pursuant to the approval of the said Resolution Plan by the Tribunal, the Equity Shares held by the existing shareholders on the date of the such approval shall be cancelled in the following manner:

- i. As per paragraph 7.3.1 of the Resolution Plan, the RA proposes that on payment of upfront amount to the Secured Financial creditors i.e. within 90 days of the effective date, all the existing preference shares of the CD shall stand cancelled/ extinguished/ derecognised (as per Regulation 37(ca) if the CIRP regulations) without following any other procedure under the Companies Act 2013 or any other applicable law. None of the existing preference shareholders will continue as



shareholders post upfront payment and their preference shares shall be deemed to be cancelled and these shareholders shall have no rights whatsoever in the CD from such date. No consideration shall be paid to these preference shareholders for such cancellation.

- ii. The RA further proposes that except the equity shares held by Mr. Hrishikesh Paranjape (3,92,500) and Ms. Samruddhi Paranjape (4,12,500) i.e. total 8,05,000 equity shares of Rs.10 each in the CD, all other equity shares and subscribed in the CD shall stand cancelled / extinguished/ derecognized (as per Regulation 37 (ca) of the CIRP Regulations) without following any other procedure under the Companies Act 2013 or any other applicable law. None of the other existing equity shareholders will continue as shareholders post upfront payment and their equity shares shall be deemed to be cancelled and these shareholders shall have no rights whatsoever in the CD from such date. As regards to shares held by Mr. Hrushikesh Paranjape (3,92,500) and Ms. Samruddhi Paranjape (4,12,500) i.e. total 8,05,000 equity shares of Rs.10 each in the CD, these equity shares shall stand transferred in the name of the RA. No consideration shall be paid to the equity shareholders. No separate procedure prescribed under the Companies Act 2013 shall be required to be followed. No stamp duty shall be required to be paid on the said transfer.



- iii. The existing authorized share capital of the CD shall continue to be the same on approval of the resolution plan by the NCLT. The RA shall issue further shares as and when required.

Section 30(2) of the Code

26. In compliance of Section 30(2) of IBC, 2016, the Resolution Professional has examined the Resolution plan of the Successful Resolution Applicant and confirms that this Resolution Plan:

- a) Provides for payment of Insolvency Resolution Process cost in a manner specified by the Board in the priority to the payment of other debts of the corporate debtor;
- b) Provides for payment of debts of operational creditor in such manner as may be specified by the board which shall not be less than
 - (i) The amount to be paid to such creditors in the event of liquidation of the corporate debtor under Section 53; or
 - (ii) The amount that would have been paid to such creditors, if the amount to be distributed under the Resolution Plan had been distribute in accordance with sub-section (1) of Section 53 in the event of liquidation of the corporate debtor.



- c) Provides for management of the affairs of the Corporate Debtor after approval of Resolution Plan;
- d) The implementation and supervision of Resolution Plan;
- e) Does not prima facie contravene any of the provisions of the law for time being in force,
- f) Confirms to such other requirements as may be specified by the Board.
- g) As per the Affidavit, the Resolution Applicant is not covered under 29A.

27. In compliance of Regulation 38 of CIRP Regulations, the Resolution Professional confirms that the Resolution plan provides that

- a) The amount due to the Operational Creditors under resolution plan shall be given priority in payment over Financial Creditors.
- b) It has dealt with the interest of all Stakeholders including Financial Creditors and Operational Creditors of the CD.
- c) A statement that neither the Resolution Applicants nor any related parties have failed to implement nor have contributed to the failure of implementation of any other Resolution Plan approved by the AA in the past.
- d) The terms of the plan and its implementation schedule.



- e) The management and control of the business of the CD during its term.
- f) Adequate means of Supervising its implementation.
- g) The Resolution Plan Demonstrate that it addresses
- i.The cause of the Default
 - ii.It is feasible and viable
 - iii.Provision for effective implementation
 - iv.Provisions for approvals required and the time lines for the same.
 - v.Capability to Implement the Resolution Plan

28. The Resolution Professional has annexed Form H of the Application under Regulation 39(4) In FORM H of the CIRP Regulations to certify that the resolution plan as approved by the CoC meets all the requirements of the IBC and its Regulations.

I, Mr. Ajay Marathe, an insolvency professional enrolled with Indian Institute of Insolvency Professional of ICAI and registered with the Board with registration number IBBI/IPA-001/IP-P01262/2018-19/12170, am the resolution professional for the corporate insolvency resolution process)CIRP(of Paranjape Agro Products (India) Private Limited.

2. The details of the CIRP are as under:

Sl .No.	Particulars	Description
1	Name of the CD	Paranjape Agro Products (India) Private Limited.
2	Date of Initiation of CIRP	10 th June 2022 (Order received by IRP on 13 th June 2022)

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I

IA No. 4878 of 2023 In CP (IB) No. 3755/MB/C-I/2019



3	Date of Appointment of IRP	10 th June 2022
4	Date of Publication of Public Announcement	16 th June 2022
5	Date of Constitution of CoC	6 th July 2022
6	Date of First Meeting of CoC	13 th July 2022
7	Date of Appointment of RP	2 nd August 2022
8	Date of Appointment of Registered Valuers	26 th August 2022
9	Date of Issue of Invitation for EoI	27 th August 2022
10	Date of Final List of Eligible Prospective Resolution Applicants	31 st March 2023
11	Date of Invitation of Resolution Plan	First time published on 27 th August 2022 Second time published on 18 th February 2023
12	Last Date of Submission of Resolution Plan	First time last date was 1 st February 2023 Last date Second time 9 th May 2023
13	Date of Approval of Resolution Plan by CoC	22 nd September 2023
14	Date of Filing of Resolution Plan with Adjudicating Authority	
15	Date of Expiry of 180 days of CIRP	10 th December 2022
16	Date of Order extending the period of CIRP	Application for extension of CIRP period filed on 2 nd December 2022 but not yet approved by NCLT
17	Date of Expiry of Extended Period of CIRP	
18	Fair Value	Rs. 9,55,74,899/-
19	Liquidation value	Rs. 7,77, 73.709/-
20	Number of Meetings of CoC held	11

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I

IA No. 4878 of 2023 In CP (IB) No. 3755/MB/C-I/2019



3. I have examined the Resolution Plan received from Resolution Applicant Consortium of Agraj Food Processors, Mr Abhishek Thatte, Mr Pradyumna Thatte Mrs Pooja Thatte and approved by Committee of Creditors)CoC(of Paranjae Agro Products (India) Private Limited.

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 Consortium of Agraj Food Processors, Mr Abhishek Thatte, Mr Pradyumna Thatte Mrs Pooja Thatte has submitted an affidavit pursuant to section30)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 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]state the date of meeting[where all the members of the CoC were present.~~

or

I sought vote of members of the CoC by ballot paper for voting on issues put for voting in 11th CoC meeting and time allowed for voting is at least for 24 hours as per the regulation 26.

The amounts provided for the stakeholders under the Resolution Plan is as under:

(Amount in Rs. lakh)

Sl. No.	Category of Stakeholder *	Sub-Category of Stakeholder	Amount Claimed	Amount Admitted	Amount Provided under	Amount Provided to the

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I

IA No. 4878 of 2023 In CP (IB) No. 3755/MB/C-I/2019



					the Plan#	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	NIL	NIL	NIL	NIL
		(ii) who voted in favour of the resolution plan	2209.65	2209.65	680.11	30.78
		Total[(a) + (b)]	2209.65	2209.85	680.11	30.78
2	Unsecured 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	NIL	NIL	NIL	NIL
		(ii) who voted in favour of the resolution plan	NIL	NIL	NIL	NIL
			Total[(a) + (b)]	2209.65	2209.65	680.11

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I

IA No. 4878 of 2023 In CP (IB) No. 3755/MB/C-I/2019



3	Operational Creditors	(a) Related Party of Corporate Debtor	NIL	NIL	NIL	NIL
		(b) Other than (a) above:				
		(i)Government				
		GST	108.93	108.93	1.52	1.41
		Profession Tax	1.03	1.03	0.10	9.70
		EPFO	49.46	49.46	26.18	52.93
		Income Tax	6.34	6.34	0.32	5.04
		(ii)Workmen				
		Workmen PF dues claimed by EPFO	17.69	17.69	NIL	NIL
		(iii)Employees				
(iv) Trade Creditors	2.53	2.53	NIL	NIL		
		66.61	66.61	NIL	NIL	
		Total[(a) + (b)]	252.59	252.59	28.12	11.13
4	Other debts and dues	NIL	NIL	NIL	NIL	
Grand Total			2462.24	2462.24	708.23	28.76

*If there are sub-categories in a category, please add rows for each sub-category.

Amount provided over time under the Resolution Plan and includes estimated value of non-cash components. It is not NPV.

29. On perusal of the Resolution Plan, we find that the Resolution Plan provides for the following:

a) Payment of CIRP Cost as specified u/s 30(2)(a) of the Code.



- b) Repayment of Debts of Operational Creditors as specified u/s 30(2)(b) of the Code.
 - c) For management of the affairs of the Corporate Debtor, after the approval of Resolution Plan, as specified U/s 30(2)(c) of the Code.
 - d) The implementation and supervision of Resolution Plan by the RP and the CoC as specified u/s 30(2)(d) of the Code.
30. The RP has complied with the requirement of the Code in terms of Section 30(2)(a) to 30(2)(f) and Regulations 38(1), 38(1)(a), 38(2)(a), 38(2)(b), 38(2)(c) & 38(3) of the Regulations.
31. The RP has filed Compliance Certificate in Form-H along with the Plan. On perusal the same is found to be in order. The Resolution Plan has been approved by the CoC by 100%
32. In *K Sashidhar v. Indian Overseas Bank & Others* (in Civil Appeal No.10673/2018 decided on 05.02.2019) the Hon'ble Apex Court held that if the 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 (NCLT). On receipt of such a proposal, the Adjudicating Authority is required to satisfy itself that the Resolution Plan as approved by CoC meets the requirements specified in Section 30(2). The Hon'ble Apex Court further observed that the role of the NCLT is 'no



more and no less'. The Hon'ble Apex Court further held that the discretion of the Adjudicating Authority is circumscribed by Section 31 and is 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.

33. In view of the discussions and the law thus settled, the instant Resolution Plan meets the requirements of Section 30(2) of the Code and Regulations 37, 38, 38 (1A) and 39 (4) of the Regulations. The Resolution Plan is not in contravention of any of the provisions of Section 29A of the Code and is in accordance with law. The same needs to be approved. Hence ordered.
34. In the case of *Yogeshwar Garg and Ors. v. Mandeep Gujral RP Jaycon Infrastructure Ltd. and Anr. (2023) ibclaw.in 792 NCLAT*, the Hon'ble NCLAT, while noting that the liquidation value in the present case is nil qua by the Appellants held that "*CoC in its commercial wisdom has decided not to allocate any amount to the other creditors while following the water fall mechanism as contained in Section 53 of the IBC. The Appellants have failed to point out any material irregularity or contravention of any provision of law by the CoC in approving the plan. That being the case, the Adjudicating Authority with the limited powers of judicial review available to it, cannot substitute its views with the commercial wisdom of the CoC in rejecting the resolution plan unless it is found to be contrary to the express provisions of law*



or there is sufficient basis which establishes material irregularity”. In view of this, we are of considered view that the Plan is in consonance with the provisions of the Code, even though it does not ascribe any value to the Operational Creditors and Workmen & Employees (whose interest is pleaded to have been covered by PF dues already admitted).

35. The Resolution Plan annexed to the Application is hereby approved. It shall become effective from this date and shall form part of this order with the following directions:

- i. It 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. The approval of the Resolution Plan shall not be construed as waiver of any statutory obligations/liabilities of the Corporate Debtor and shall be dealt by the appropriate Authorities in accordance with law. Any waiver sought in the Resolution Plan, shall be subject to approval by the Authorities concerned in light of the Judgment of Supreme Court in *Ghanshyam Mishra and Sons Private Limited v/s. Edelweiss Asset Reconstruction Company Limited*, the relevant para's of which are extracted herein below:

“95. (i) Once a resolution plan is duly approved by the adjudicating authority under sub-section (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the corporate debtor and its employees, members, creditors, including the



Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the adjudicating authority, all such claims, which are not a part of the resolution plan shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan;

(ii) 2019 Amendment to Section 31 of the I&B Code is clarificatory and declaratory in nature and therefore will be effective from the date on which the Code has come into effect;

(iii) consequently, all the dues including the statutory dues owed to the Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the adjudicating authority grants its approval under Section 31 could be continued.”

- iii. The Memorandum of Association (MoA) and Articles of Association (AoA) shall accordingly be amended and filed with the Registrar of Companies (RoC), Mumbai, Maharashtra 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.

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH- I

IA No. 4878 of 2023 In CP (IB) No. 3755/MB/C-I/2019

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- iv. The moratorium under Section 14 of the Code shall cease to have effect from this date.
 - v. The Applicant shall supervise the implementation of the Resolution Plan and file status of its implementation before this Authority from time to time, preferably every quarter.
 - vi. 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.
 - vii. The Applicant shall forthwith send a certified copy of this Order to the CoC and the Resolution Applicant, respectively for necessary compliance.

Sd/-

PRABHAT KUMAR
Member (Technical)
05.01.2024
Priyal

Sd/-

JUSTICE V.G. BISHT
Member (Judicial)