

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,

Principal Bench, New Delhi

Comp. App. (AT) (Ins) No. 1191 of 2022

IN THE MATTER OF:

Shailen Shah Resolution Professional of Wind World (India) Ltd **...Appellant**

Vs.

Suraksha Asset Reconstructions Ltd. & Ors. **....Respondents**

For Appellant: **Mr. Sumant Batra, Mr. Sanjeev Sambasivam, Advocates**

For Respondent: **Mr. Sumesh Dhawan, Mr. Chitranshul Sinha, Mr. Mr. Shaurya Jaskaran Bhatia, Mr. Tammana Malik, Adv. for R1-3
Ms. V.Sahni, Ms.Aishna Jain, Advocate for CoC
Mr. Anand Chhibbar, Sr. Advocate, Ms. Varsha Banerjee, Ms. Mahima Ahuja, Mr. Manoj Advocate for Intervenor**

With

Comp. App. (AT) (Ins) No. 1197 of 2022

IN THE MATTER OF:

CoC of Wind World (India) Ltd. Through IDBI Bank Ltd. **...Appellant**

Vs.

Shailen Shah RP of Wind World (India) Ltd. & Ors. **....Respondents**

For Appellant: **Mr. Arun Kathpalia, Sr. Advocate Mr. V.Sahni, Ms. Aishna Jain, Ms. Diksha, Advocates.**

For Respondent: **Mr. Sumesh Dhawan, Mr. Chitranshul Sinha, Mr. Mr. Shaurya Jaskaran Bhatia, Mr. Tammana Malik, Adv. for R1-3
Ms. V.Sahni, Ms.Aishna Jain, Advocate for CoC
Mr. Anand Chhibbar, Sr. Advocate, Ms. Varsha Banerjee, Ms. Mahima Ahuja, Mr. Manoj Advocate for Inverternor
Mr. Lzafeer Ahmad, Ms. Shaheda Madrasawala, Impleader**

With
Comp. App. (AT) (Ins) No. 1249 of 2022

IN THE MATTER OF:

Jogihali Wind Energy Pvt. Ltd.

...Appellant

Vs.

Yogesh Mehra & Ors.

....Respondents

For Appellant: Mr. Kuber Dewan and Ms. Neeharika Aggarwal, Ms. Trisha, Mr. Kaustubh, Advocates.

For Respondent: Mr. Sumant Batra, Mr. Sanjeev Sambasivan, Advocate for RP.

Ms. V.Sahni, Ms.Aishna Jain, Advocate

Mr. Anand Chhibbar, Sr. Advocate, Ms. Varsha Banerjee, Ms. Mahima Ahuja, Mr. Manoj Advocate for R1

With
Comp. App. (AT) (Ins) No. 1362 of 2022 &
IA No. 4236 of 2022

IN THE MATTER OF:

Suraksha Asset Reconstruction Ltd. & Ors.

...Appellant

Vs.

Shailen Shah RP of Wind World (India) Ltd. & Anr.

....Respondents

For Appellant: Mr. Sumesh Dhawan, Mr. Chitranshul Sinha, Mr. Mr. Shaurya Jaskaran Bhatia, Mr. Tammana Malik, Adv.

For Respondent: Mr. Sumant Batra, Mr. Sanjeev Sambasivan, Advocate for RP.

Ms. V.Sahni, Ms.Aishna Jain, Advocate

ORDER**18.04.2023: Company App. (AT) (Ins) No. 1191 of 2022**

During the course of hearing, Counsel for the Applicant has submitted that he has filed an application bearing I.A No. 121 of 2023 with a prayer to be impleaded as a party in this appeal. He has also submitted that he has filed an application bearing IA No. 23 of 2019 in IA No. 476 of 2018 before the Adjudicating Authority for seeking formal impleadment in the main application filed by the RP for approval of the proposed resolution plan which was allowed vide its order dated 05.02.2020. However, on the perusal of the said order, it has been found that though the application was allowed but it was for the limited purpose to give audience to the applicant, while hearing the concerned application.

Counsel for the Appellant has submitted that he doesn't want to file any reply to the present application but the Applicant may be allowed to be impleaded as has been done by the Adjudicating Authority.

In view thereof, the present application is allowed and it is hereby ordered that the Application is allowed, for limited purpose to give audience while hearing the main appeal.

Another application bearing IA No. 4016 of 2023 which is filed by the Members of the Suspended Board of Directors for their impleadment as party. Counsel for the Applicant, after arguing for some time, has submitted that he does not want to press this application but he may be allowed to assist this Tribunal insofar as the main appeal is concerned.

Counsel for the Appellant has not raised any objection in this regard. Accordingly, IA No. 4016 of 2023 is thus, hereby dismissed as withdrawn with liberty to the Applicant therein to assist this Tribunal at the time of hearing of the main appeal.

List this appeal on **22nd May, 2023.**

In the meantime, the Appellant shall file a convenience compilation with the support of SRA. The needful shall be done on or before the next date of hearing with an advance copy to the parties.

At this stage, Counsel for the Appellant has pointed out that due to inadvertence, it has come in the order dated 03.03.2023 that the written submission on behalf of the Appellant has already been filed. It is submitted that the written submissions are yet to be filed and for this he seeks permission to file the same. Permission is granted.

Company App. (AT) (Ins) No. 1197 of 2022

Counsel for the Applicant has filed an application bearing No. 4017 of 2023 and submitted that he does not want to press this application and would rather make his submissions to assist the court regarding the appeal. Counsel for the Appellant has not raised any objection in this regard.

Accordingly, IA No. 4017 of 2023 is thus, hereby dismissed as withdrawn with liberty to the Applicant to assist this Tribunal regarding the main appeal.

List this appeal on **22nd May, 2023.**

Company App. (AT) (Ins) No. 1249 of 2022

Counsel for the Appellant has submitted that he does not want to file any rejoinder, therefore, pleadings are complete.

List this appeal for hearing on **22nd May, 2023**.

Company App. (AT) (Ins) No. 1362 of 2022

In this case, there is an application bearing IA No. 4236 of 2022 in which the Applicant has prayed for condonation of delay of 14 days in filing the appeal. It is submitted that the sufficient cause for condonation of delay is given in the application but the said application may be considered on the next date of hearing. Otherwise, Pleadings are complete.

List this appeal on **22nd May, 2023**.

[Justice Rakesh Kumar Jain]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

Raushan/RR