IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT – 2

ITEM No.305

IA(Plan)/13(AHM)2026 in C.P.(IB)/294/AHM/2023

Proceedings under Section 30 r/w 31 of the IBC,2016

IN THE MATTER OF:

Dhaval C Khamar RP of Bhagirath Construction Company Pvt Ltd ....**Applicant**

........**Respondent**

Order delivered on: 09/09/2026

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)
Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

ORDER

This case is fixed for pronouncement of order

The order is pronounced in open court vide separate sheet

Sd/-
DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

-SD-
CHITRA HANKARE
MEMBER (JUDICIAL)

AP

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD (COURT - II)

IA (Plan) No. 13 OF 2026
IN
COMPANY PETITION (IB) 294 (AHM) 2023

(Under Section 30 (6) read with Section 31 of the Insolvency and Bankruptcy Code, 2016)

Dhaval Kumar
Resolution Professional of
M/s Bhagirath Construction Company P Ltd

...Applicant

<u>IN THE MATTER OF:</u>

CFM Asset Reconstruction Private Limited
.... Financial Creditor

Versus

M/s Bhagirath Construction Company P Ltd
.....Corporate Debtor

Order pronounced on 09.09.2026

Coram:

MRS. CHITRA HANKARE
HON'BLE MEMBER (JUDICIAL)

MR. VELAMUR G VENKATA CHALAPATHY
HON'BLE MEMBER (TECHNICAL)

<u>Present:</u>

For the Applicant : MR Tirth Nayak, Advocate

Sd/- Sd/-

JUDGEMENT

1. This application is filed under Sec 30 r/w Sec 31 of the IBC 2016 inter alia seeking approval by this Tribunal of the Resolution Plan dated 29.06.2026 submitted by the Standard Capital Markets (SRA) for the Corporate Debtor (presently under CIRP admitted vide order of this tri9bunal dated 06.08.2025 in CP IB294 of 2023) M/s Bhagirath Construction Private Limited, duly approved by the Committee of Creditors on 13.07.20267 pursuant to the voting conducted as per the decision in the 13th meeting of COC dated 2.07.2026.
2. A brief of the CIRP process initiated is given as below:

   a) The CD was admitted to the CIRP on 06.08.2025;

   b) The applicant was appointed as IRP, who issued the necessary statutory notice inviting claims from creditors. The applicant filed constitution of COC report to this adjudicating authority on 29.08.2025 and the first meeting of COC was convened on 05.09.2025;

   c) The applicant issued the Form G Inviting Expression of Interest on 04.10.2025 in accordance with Reg 36A of CIRP

-SD- -SD-regulations. On approval by the COC in 3rd meeting on 7.11.2025 of the Evaluation Matrix and the RFRP, the Information Memorandum along with Request for Resolution Plan was issued to eligible Prospective Resolution Applicants on 21.11.2025;

d) On approval of the COC, a third Form G was issued on 09.03.2026 inviting fresh EOI after earlier failed rounds to obtain a feasible resolution plan. After various rounds of meetings and the 10th COC meeting on 18.05.2026, approving the revised Resolution Plans to be granted in principal approval by conducting Swiss Challenge Process, in the 13th COC meeting on 02.07.2026 the e voting was taken up and on 13.07.2026 the sole financial creditor approved the resolution plan submitted by M/s Standard Capital Markets Limited with 100% voting share.

e) This tribunal also accorded further extension of CIRP of 45 days on 17.07.2026 up to 17.08.2026. This application was there by submitted on 24.07.2026.

3. It is submitted that the sole financial creditor CFM Asset Reconstruction Private Limited had a claim admitted of

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Rs.37,35,69,720, the claims of other operational creditors are mentioned to be as;

a) Income Tax Rs 1,93,582

b) Mehsana Municipal Corporation: 66,38,972

c) State Tax Department: 1,38,88,251

It is submitted that there were 4 PRAs considered to be the final list of eligible PRAs, of which only 2 PRAs finally became eligble and the COC approved the resolution plan of M/s Standard Capital Markets Limited. The COC approved the appointment of 6 valuers for arriving at the fair value and liquidation value of the Land and Building, Plant and Machinery and Securities and Financial Assets. From their reports, the Average Fair Value is arrived at Rs.21,26,82,570 and the Average Liquidation value at Rs.15,44,82,141. The COC finally decided on the merits, feasibility and viability of the resolution plan and approved the proposal of the SRA being Standard Capital Markets Limited for an amount of Rs.7,25,00,000.

4. As per the plan approved, the Secured Financial Creditors get 18.16% of the claim submitted, while the operational

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creditors get 10.0% of the claim submitted. The SRA will pay the CIRP cost of Rs.26,00,000 upfront within 90 days from the effective date, Secured Financial Creditor within 90 days by an amount of Rs.4,53,38,000 and Rs.2,25,00,000 within 120 days from the effective date and the Operational Creditors will get an amount of Rs.20,72,000 within 90 days from the effective date. It is further submitted that the SRA has submitted a Performance Guarantee to the extent of 20% of the resolution plan value and already an amount of Rs 80 lakhs has been deposited as EMD. The Monitoring Committee constituted will be chaired by the RP and represented by SRA and the Financial Creditors and the costs will be borne by the SRA. It is further submitted by the applicant that the Resolution Plan complies with Sec 30 and Regulation 37, 38 and 39 of IBC 2016. There are no PUFE transactions in terms of Se 43, 45, 50 or 667 of the code have been observed, found or determined and hence no application is filed. It is further submitted that no regulatory fee under Regulation 31 A is to be paid as the Resolution Plan value realized is Rs.7,25,00,000 is lower than the Liquidation Value of Rs.15,44,82,141.

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5. The Resolution Plan also mentions that various reliefs and concessions are sought from various regulatory authorities which are submitted to be approved by the COC.

6. **Observations & Conclusions:**

a) While the Plan complies with the provisions of Sec 30 and Sec 31 the issue for consideration is the Fair Value and Liquidation value of the CD. While the valuation of land and building done by 2 valuers approximately value the same at around 15 crores (Average), the valuation of Plant and Building and the Securities and Financial assets are valued on an average around Rs.10 lakh.

b) It is also observed that the COC and the applicant had made a transparent process, accepted various bids and finally through swiss challenge process the final 2 PRAs were directed to finalise their bids and accordingly it is approved and it is commercial decision of COC. It is also observed that the Plan is restricting to a payment which is 28% of the value of the total claims.

c) Since this is a commercial decision of COC otherwise the process is in consonance with the Act and Regulations, we

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rely upon the judgments of HOnble Supreme Court in the matter of Maharashtra Seamless Limited VS Padmanaban Venkatesh & Others and the Judgment of Essar Steel Limited Vs Satish Kumar Gupta. We have a limited power to review the commercial decision of the COC which otherwise meets the requirements of Sec 30 and Sec 31 of IBC 2016 and we do not see any deviation in CIRP process conducted by applicant. Even though the notices were issued to suspended management, the operational creditors being the statutory departments, it is observed that there is no reply submitted and their claims were admitted and considered in the resolution plan.

7. In view of the above we pass the following:

ORDER

I. Application is allowed.

II. The approved 'Resolution Plan' shall become effective from the date of passing of this order.

III. The order of moratorium passed by this Adjudicating Authority under Section 14 of IBC, 2016 shall cease to have effect from the date of this order.

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IV. The Resolution Plan so approved shall be binding on the Corporate Debtor and its employees, members, creditors, guarantors and other stakeholders involved in the Resolution Plan.

V. The monitoring committee as proposed in the resolution plan shall be constituted for supervising the effective implementation of the Resolution Plan and continue till the payment plan is fully realised and is distributed.

VI. The Resolution Professional, Mr. Dhaval Kumar shall be released from the duties of the Resolution Professional of the Corporate Debtor as per the provisions of the IBC, 2016 and rules/regulations made thereunder, from the date of this order.

VII. The Resolution Professional shall forward all records relating to the conduct of the corporate insolvency resolution process and approved Resolution Plan to the Insolvency and Bankruptcy Board of India to be recorded in its database.

VIII. As regards various reliefs and concessions which are being sought, we hereby grant the following reliefs and

Sd/- -SD-concessions only as against reliefs and concessions claimed by the resolution applicant.

IX. After the payment of the dues to the creditors, as per the resolution plan, all the liabilities/claims of the said stakeholders shall stand extinguished and other claims including Government/Statutory Authority, whether lodged during CIRP or not, shall stand extinguished after approval of the resolution plan.

X. From the date of this order, all claims against the Corporate Debtor, except those provided in the plan of the Corporate Debtor stand extinguished as sought in terms of clause 7 of the Plan.

XI. From the date of this order, all encumbrances on the assets of the Corporate Debtor before the Resolution Plan shall stand extinguished. No reliefs and concessions are granted to guarantee if any issued by the suspended management in an individual capacity to any of the creditors.

XII. For reliefs and concessions sought from the Government / Statutory Authorities, we direct the resolution applicant to approach the concerned Authorities. The concerned

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Authorities are to consider and decide the matter as per applicable provisions of law for effective implementation of the Resolution Plan.

XIII. As regards reliefs prayed under various provisions of the Income Tax Act, 1961, the Corporate Debtor/ Resolution Applicant may approach the Income Tax Authorities who shall take a decision on relief and concessions sought by the resolution applicant in accordance with the provisions of the Income Tax Act, 1961.

XIV. The Resolution Applicant shall be entitled to review, revise or terminate any appointments / agreements / understanding entered into by or on behalf of the Corporate Debtor in accordance with the terms and conditions of such agreements / MoU's /contracts.

XV. The management of the Corporate Debtor shall be handed over to the Board of Directors as may be nominated by the SRA for the proper running of the operations /business of the Corporate Debtor.

XVI. The Board of Directors of the Corporate Debtor shall also be reconstituted and procedural compliances shall be done to give effect to such reconstitution.

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XVII. The SRA shall, pursuant to the Resolution Plan approved under Section 31(1) of the Code, obtain necessary approvals required under any law for the time being in force within a period of one year from the date of approval

XVIII. With respect to the grant of license/ Government approval, if the license or approval is terminated, suspended or revoked, the resolution applicant may approach the concerned Department/ Authorities for such approval/ renewal and Government Authorities may consider the request of the resolution applicant as per applicable provisions of law for effective implementation of the resolution plan.

XIX. A certified copy of this order be issued to all concerned parties upon compliance of all requisite formalities.

XX. Accordingly, I.A.(Plan)No./13(AHM)/2026 in CP(IB) No.294/(AHM)/2023 is disposed of.

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Sd/-

DR.V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

CHITRA HANKARE
MEMBER (JUDICIAL)