

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI
Company Appeal (AT) (Ins) No.1048 of 2021

IN THE MATTER OF:

Rakesh Kumar Agarwal & Anr.

...Appellants

Vs.

Commissioner of CGST & Ors.

...Respondents

Present:

**For Appellant: Mr. Mustafa Doctor, Sr. Advocate with Mr. Anirudh
 Hariani, Mr. Rajesh Bohra, Advocates**

For Respondent: None

ORDER
(Through Virtual Mode)

15.12.2021: This appeal has been filed against the order dated 27.07.2021 passed by the Adjudicating Authority by which, application filed by the Appellant being I.A. No. 1610/2021 has been rejected. The application was filed by the Appellant seeking a direction to R-21 and R-22 to vote on the 'Modified Resolution'.

Learned Counsel for the Appellant submits that in the 'Resolution Plan' itself there was a clause that Resolution can be modified with 70% vote. The Adjudicating Authority has rejected the application observing that Tribunal shall not interfere in the commercial wisdom of the CoC. We see no reason to entertain this appeal. We, however, grant liberty to the Appellant to submit a representation to the CoC for its consideration of modified resolution. We, however, make it clear that we are not

expressing any opinion on merits of the claim of the Appellant and it is for the CoC to take decision in accordance with law. With these observations, the appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

ss/nn