

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

Company Appeal (AT) (Insolvency) No. 2100 of 2024

[Arising out of the Impugned Order dated 14.06.2024 passed by the Adjudicating Authority, National Company Law Tribunal, Mumbai Bench-III in C.P.(IB) No. 4898 of 2023]

In the matter of:

**REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
RO, THANE (SOUTH)**

THROUGH REGIONAL RF COMMISSIONER
Vardan Commercial Complex
MIDC Road No.16,
Wagle Estate, Thalia-400604

...Appellant

Versus

MR. JAYESH SANGHAJKA

Resolution Professional
FOR NIRMAL LIFESTYLE REALTY PRIVATE LIMITED
405-407, Hind Rajasthan Building,
D.S Phalke Road, Dadar East,
Mumbai 400014
Email: cirp.nlrpl@gmail.com

...Respondent

Present:

For Appellant : Mr. Kanhaiya Singhal, Mr. Prasanna, Mr. Ajay Kumar, Ms. Ankita Makan, Ms. Aaditya Saraaf, Mr. Pulkit Jolly and Mr. Parul Sharma, Advocates.

For Respondent : Mr. Arvind Nayar, Sr. Advocate with Ms. Tishampati Sen, Ms. Riddhi Sancheti, Mr. Anurag Anand, Mr. Mukul Kulhari and Ms. Tarni Aggarwal, Advocates for SRA.

Mr. Kunal Tandon, Sr. Advocate with Mr. Gaurav Suryavanshi, Ms. Natashs Singh, Advocates RP.

**J U D G M E N T
(Hybrid Mode)**

Per: Barun Mitra, Member (Technical)

The present appeal filed under Section 61 of Insolvency and Bankruptcy Code 2016 ('IBC' in short) by the Appellant arises out of the Order dated

14.06.2024 (hereinafter referred to as '**Impugned Order**') passed by the Adjudicating Authority (National Company Law Tribunal, Mumbai Bench-III) in I.A. No. 4898 of 2023 in CP (IB) No. 315 (MB) of 2019. By the impugned order, the Adjudicating Authority has dismissed the IA No. 4898 of 2023 filed by the Appellant seeking admission of additional claim in the Corporate Insolvency Resolution Process ("**CIRP**" in short) of the Corporate Debtor. Aggrieved by the impugned order, the present appeal has been preferred by the Appellant-Employee Provident Fund Organization ("**EPFO**" in short) for not having taken into cognizance of the additional claims filed by them in respect of the Provident Fund and allied dues.

2. The chronological sequence of events of the present case which are necessary to be noticed for consideration of the matter by us is as hereunder:

- On 04.08.2005, a Development Agreement was entered into between M/s Ralliwolf Ltd. and M/s Nirmal Lifestyle Realty Pvt. Ltd. by which M/s Nirmal Lifestyle Realty Pvt. Ltd. assumed all liabilities and financial obligations of M/s Ralliwolf Ltd.
- On 06.12.2021, the Corporate Debtor-M/s Nirmal Lifestyle Realty Pvt. Ltd. was admitted to the Corporate Insolvency Resolution Process ("**CIRP**" in short).
- On 21.12.2021, the Resolution Professional ("**RP**" in short) issued a public announcement inviting claims from creditors of the Corporate Debtor.
- On 21.06.2022, the Appellant-EPFO filed a claim of Rs 7,49,48,021 in respect of Provident Fund ("**PF**" in short) contributions due from M/s Ralliwolf Ltd. The claim of the Appellant was admitted by the RP on 28.06.2022 and Appellant was categorised as Operational Creditor.

- The Committee of Creditors (“**CoC**” in short) of the Corporate Debtor approved the Resolution Plan submitted by Oberoi Construction Ltd.- Successful Resolution Applicant (“**SRA**” in short) on 01.09.2022. This plan of the SRA reflected the amount of Rs 7.49 Cr. claimed by the Appellant which was proposed to be paid in full by the SRA.
- The resolution plan as approved by the CoC was filed before the Adjudicating Authority by the RP vide IA No. 2455 of 2022 on 03.09.2022.
- On 11.11.2022, the wage claim of the workmen amounting to Rs 62,44,43,284 was purportedly approved following which additional claim of Rs 34.31 Cr. was worked out by the Appellant as additional PF liability.
- On 08.06.2023, the Appellant filed an additional claim of Rs 34,31,98,854 for the period 2002 to 2023. This additional claim was rejected by the RP by email on 05.07.2023.
- Subsequently, on 13.07.2023, the Appellant requested RP to reconsider and admit the additional claim and also filed I.A. No. 4898 of 2023 before Adjudicating Authority challenging the rejection of additional claim by the RP.
- On 14.06.2024, the Adjudicating Authority passed the impugned order dismissing I.A. No. 4898 of 2023 filed by the Appellant. Aggrieved by the order, the present appeal has been filed.

3. Submission was pressed by Shri Kanhaiya Singhal, Ld. Counsel for the Appellant that rejection of their additional claim in respect of PF contribution is contrary to established legal principles as statutory obligations like payment of PF dues cannot be compromised under insolvency proceedings. It was contended that PF contributions cannot be set aside by an approved Resolution Plan under

IBC in view of overriding provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (EPF & MP Act). No approved Resolution Plan can lawfully exclude PF dues, which are legally protected and remain outside the purview of insolvency proceedings. The Appellant has placed reliance on the judgement of the Supreme Court in ***Maharashtra State Co-operative Bank Ltd. v. APFC (AIR 2010 SC 868)*** which confirm that statutory obligations must be fulfilled in insolvency proceedings. The Appellant has relied on Supreme Court rulings in ***Sunil Kumar Jain v. Sundaresh Bhatt in Civil Appeal 5910 of 2022*** which reaffirm that PF contributions must be protected and cannot be compromised during insolvency resolutions.

4. Explaining the genesis of the additional claims, submission was pressed that the wage claims of the workmen amounting to Rs 62.44 Cr. was approved on 11.11.2022 and hence the additional claims of corresponding PF liability arose thereafter. Delay in raising the additional claim subsequent to the approval of the resolution plan by the CoC on 01.09.2022 was therefore neither deliberate nor attributable to any negligence on the part of the Appellant. The additional claim was submitted on 08.06.2023 which date was admittedly after the CoC had approved the plan but before the final approval of the Resolution Plan by the Adjudicating Authority on 09.08.2024. Since CoC's approval of a Resolution Plan does not constitute final acceptance, the RP should have admitted the additional claim of the Appellant being legitimate claims.

5. Furthermore, Sections 36(4)(a)(iii) and 155(2)(d) of the IBC explicitly exclude PF dues from the liquidation estate giving it the status of third-party assets and hence PF dues cannot be altered or diminished through corporate

debt restructuring. Therefore, it was asserted that EPFO is not even obligated to file claims since it is the statutory responsibility of the RP to ensure the proper disbursement of PF dues. The SRA is required to settle unpaid PF and gratuity dues on admitted wages. It was pointed out that in the matter of ***Regional Provident Fund Commissioner v. Mamta Binani & Anr.*** in ***CAT(AT)(Ins.) No. 245 of 2022***, this Tribunal confirmed that EPFO claims remain enforceable even after a Resolution Plan has been approved.

6. Refuting the contentions of the Appellant, Shri Kunal Tandon, Ld. Sr. Counsel for the Respondent No.1-RP submitted that the rejection of the Appellant's additional claim was justified as it was filed after the approval of the Resolution Plan by the CoC. The IBC provides for a structured framework for conduct of the CIRP proceedings which does not provide scope for entertaining claims lodged after approval of plan by CoC. It is a well-established principle that once the Resolution Plan has been approved by the CoC, no new claims including statutory dues can be allowed. Once the plan is approved by CoC, it is binding on all stakeholders, including government bodies and statutory authorities, in accordance with Section 31 of the IBC. Any attempt to modify the approved Resolution Plan at this stage runs contrary to the fundamental objective of corporate insolvency resolution, which aims at timely resolution and avoidance of prolonged litigation. Allowing such belated claims would have undermined the integrity and finality of the resolution process. Hence, rejection of the additional claim by the RP was a measure well within the legal framework of the IBC.

7. It was vehemently contended that the RP had acted fairly in that the RP had already admitted the Appellant's initial claim of Rs 7,49,48,021 of the Appellant as an operational creditor. This claim was duly considered by the CoC and the approved Resolution Plan accounted for its full payment. However, nine months after the CoC's approval of the Resolution Plan, the Appellant attempted to muster up an additional claim of Rs 34,31,98,854 which was justifiably rejected by the RP by way of a detailed communication citing grounds for rejection. The Adjudicating Authority also rightly dismissed the Appellant's I.A. seeking admission of these additional claims at such a delayed stage. It has been further contended by the Respondent that the Appellant was seeking to introduce this additional claim without any proper determination or authoritative computation of the liability under the EPF & MA Act. The additional claim is unsubstantiated by any proof or evidence in the form of supporting documents. The claim is based on mere arithmetical calculations basis an order from the Industrial Court dated 19.11.2013 relating to compensation for violation of Section 25F of Industrial Dispute Act without proper inquiry. Such claims cannot be entertained when they lack a legal foundation and are filed at an advanced stage of the CIRP.

8. In support of their contention, the Respondent No.1 adverted attention to the impugned order wherein the Adjudicating Authority has placed reliance on the judgements of the Hon'ble Supreme Court in ***Committee of Creditors of Essar Steel vs. Satish Kumar Gupta & Ors. (2020) 8 SCC 531*** and in ***RP Infrastructure Limited vs. Mukul Kumar & Anr. (2023) 10 SCC 718*** wherein the Hon'ble Supreme Court held that belated claims should not be entertained, as they could lead to indefinite delays in the CIRP process, thereby affecting the

certainty and effectiveness of resolution. Hence, in light of the well-established legal principles and the factual matrix of the present case, it was emphatically asserted that allowing the additional claim after the CoC had approved the plan would have seriously compromised the integrity of the CIRP process and the finality of approved Resolution Plan. Hence, the RP had correctly rejected the claim and the Adjudicating Authority had also correctly affirmed the rejection of the claim by the RP.

9. Similar arguments were canvassed by Shri Arvind Nayar, Ld. Sr. Counsel appearing on behalf of SRA-Respondent No. 2 that introducing additional claims after the approval of the Resolution Plan by CoC is untenable and contrary to the established principles of insolvency law. It was reiterated that the Resolution Plan of SRA was formulated based on the claims that were duly submitted and admitted within the timelines prescribed under the CIRP regulations. EPFO had already submitted a claim amounting to Rs. 7,49,48,021, which was duly considered and admitted by the RP. It was pointed out that it is an undisputed fact that the resolution plan submitted by the SRA had been approved by the CoC with 100% voting and had been subsequently approved by the Adjudicating Authority on 09.08.2024. However, the additional claim of Rs 34,31,98,854 was submitted on 08.06.2023 at a stage when the plan had already been finalized by the CoC. The Adjudicating Authority had therefore rightly rejected these claims as allowing any such significant liability at this belated stage would have jeopardized the commercial and financial viability of the plan. Additionally, the statutory duty of the RP is limited to the admission of claims within the prescribed CIRP timeline and any argument that the RP was obligated to suo moto include the additional PF dues lacked legal merit. It was added that the

plan has already been implemented and the SRA has already paid the admitted claim of Rs 7.49 Cr. to the Appellant. Hence, the resolution plan cannot be re-opened now on the basis of belated additional claims filed by the Appellant.

10. We have duly considered the arguments advanced by the Learned Counsels for all the parties and perused the records carefully.

11. The short issue before us for consideration is whether sufficient reasons/grounds existed to admit the belated additional claim filed by the Appellant on 08.06.2023 after the approval of the resolution plan by the CoC on 01.09.2022.

12. Coming to the scheme of IBC, the statutes of IBC provide that once a CIRP application is admitted under Sections 7, 9 or 10 of IBC, the RP issues a public announcement inviting claims from all the stakeholders of the Corporate Debtor. Section 18(1)(b) of IBC provides that the IRP shall receive and collate all the claims submitted by creditors to him, pursuant to the public announcement made by him in compliance with Sections 13 and 15 of the IBC read with Regulation 6 of CIRP Regulations. Thereafter the RP is to collate the claims and update the same in the Information Memorandum, basis which potential resolution applicants are expected to submit their resolution plan for consideration of the CoC. The plans are deliberated and eventually approved by the CoC in exercise of their commercial wisdom. After the CoC approves the Plan, the Adjudicating Authority is required to arrive at a subjective satisfaction that the plan conforms to the requirements as provided under Section 30(2) of IBC and thereafter the Adjudicating Authority grants its approval to the Resolution Plan.

13. Commencing our analysis and findings, we would like to first examine whether the RP had acted in consonance with the provisions of IBC and CIRP Regulations in receiving, collating and verifying the claims submitted to him by the Appellant. In the present case, we notice that after the Corporate Debtor was admitted into the rigours of CIRP on 06.12.2021 and the RP made a Public Announcement inviting claims on 21.12.2021. Thus, prima-facie, there is no trace of any irregularity in the process followed by the RP in inviting claims.

14. We next proceed to examine what steps were taken by the Appellant to file their claims and whether the prescribed time lines for this purpose as laid down in IBC and CIRP Regulations had been adhered to.

15. From the facts of the present case, it is clear that the Appellant had filed proof of their claim in Form-B dated 20.06.2022 which was forwarded to the RP on 21.06.2022. This claim had been filed by the Appellant in their capacity of an Operational Creditor. It is also an undisputed fact that this claim of the Appellant for an amount of Rs 7.49 Cr. had been admitted by the RP on 28.06.2022 and duly communicated to the Appellant. The resolution plan of the SRA which was approved on 01.09.2022 by the CoC provided for full payment of the admitted claim of Rs 7.49 Cr. The resolution plan of the SRA as approved by the CoC was filed before the Adjudicating Authority by the RP vide IA No. 2455 of 2022 on 03.09.2022. Given these facts and circumstances, the conduct of the RP with regard to admission of the original claim amounting Rs 7.49 Cr cannot be found to be flawed in any manner whatsoever.

16. This brings us to the issue of additional claims filed by the Appellant and the timing thereof. It is an uncontested fact that till the stage of approval of the plan by the CoC, the Appellant had not filed their additional claim. The additional

claim was filed on 08.06.2023. The Corporate Debtor had been admitted into CIRP on 06.12.2021 and the 90 days period for filing of claim from the insolvency commencement date stood expired on 06.03.2022. Viewed from this angle, the filing of additional claims entailed a delay of nearly one year and three months. Viewed from the perspective of last date for submission of claims as per public announcement which was 03.01.2022, there was a clear delay of 521 days from the last date of submission of the claim. When counted from the date of approval of the plan by the CoC, nearly 09 months had elapsed since then. That there was delay on the part of the Appellant in the submission of the additional claims is therefore well established.

17. The explanation which has been offered by the Appellant for belated filing of the additional claim was that the Appellant became aware of the order passed by the Industrial Court only after it was served with an application filed by Association of Engineering Workers. We are not satisfied with this explanation since the Industrial Court's order was passed on 21.11.2019 whereas the CIRP had commenced on 06.12.2021. It does not appeal to reason that it could have taken two years from the date of passing of the order by the Industrial Court to compute the additional claims. The Adjudicating Authority in its impugned order has therefore rightly observed that there was sufficient time for Appellant-EPFO to pass an order under EPF Act when the Industrial Court order had passed its orders in 2019 while CIRP was initiated in 2021. The Appellant cannot take advantage of their own laxity in not filing their claims on time to derail the insolvency resolution process.

18. Having come to the unambiguous conclusion that there was delay in the submission of additional claims, we would like to address the question as to

whether the RP had mechanically rejected the claims or had taken an informed decision before rejecting the claim. From a plain reading of the CIRP Regulations, RP can accept claims as per extended period as provided in Regulation 12(1) of CIRP Regulations. After the lapse of extended period of 90 days of the insolvency commencement date, the RP is neither obliged to accept any claim nor does he have the discretion to admit claim after the extended period. Further, when we look at the material placed on record, we find that the RP while rejecting the additional claim of the Appellant on 05.07.2023 had maintained due transparency and kept the Appellant apprised of its decision. The rejection e-mail of 05.07.2023 is placed at page 437-438 of the Appeal Paper Book (“**APB**” in short). The RP while rejecting the additional claim gave detailed reasoning for doing so. It was clearly pointed out that the additional claim had been filed much beyond the time-period prescribed under the IBC and the Regulations framed thereunder. It was also clarified therein that since the Appellant had failed to submit the additional claim within the stipulated time, the RP did not have the powers to condone such delay in the filing of claims thus rendering the claim time-barred. The RP had also mentioned that no supporting documents had been submitted for the additional claim and that the additional claim had been calculated for a period when the establishment of the Corporate Debtor was permanently closed.

19. It is however the case of the Appellant that Section 11 of the EPF Act accords statutory priority to the amount payable to the employees for PF dues including interest payable under Sections 7Q and 14B of EPF Act which serve as financial security for employees. Moreover, it being a settled position of law, that PF, Pension fund and Gratuity fund do not come within the purview of

liquidation estate for the purpose of distribution of assets under Section 53 of the IBC, the RP was bound to accept the additional claims. No approved Resolution Plan can lawfully exclude PF dues, which are legally protected and remain outside the purview of insolvency proceedings. Hence the additional claims deserved to be admitted. Per contra, it is the case of both the Respondents that keeping in view the fact that the objective and intent of the IBC is time-bound resolution of the Corporate Debtor to maximize value, if new and additional claims are allowed to crop up and are entertained much after the CoC has already approved the resolution plan, the CIRP would be put to jeopardy and the intent of IBC would stand frustrated. Hence the RP cannot be faulted for rejecting the belated claims.

20. At this juncture, it may be useful to notice how the Adjudicating Authority has viewed this delay in the filing of belated additional claims. After advertizing reference to the judgements of the Hon'ble Supreme Court in ***Essar Steel*** and in ***RP Infrastructure Limited judgements supra***, the Adjudicating Authority has returned the following findings as reproduced hereunder:

'23. Therefore, the settled law on this issue is that no claims can be submitted at a belated stage especially after approval of the Resolution Plan by the CoC.

24. In the present case, the resolution plan was approved by the CoC on 01.09.2022 and the additional claim was filed by the Applicant on 08.06.2023, after more than 9 months of resolution plan being approved by the CoC and after the resolution plan was filed for approval before this Tribunal.

25. The aforesaid dictums make it clear that the admission of claims at a belated stage could potentially perpetuate the Corporate Insolvency Resolution Process (CIRP) of a Corporate Debtor endlessly, leading to adverse consequences for the insolvency regime. Thus, the belated additional claim of the Applicant cannot be directed to be admitted in view of the Resolution Plan being already approved by the CoC.'

21. It is well known that the Hon'ble Apex Court has laid down the clean slate theory through several of its judgements which have amplified that no surprise claims should be flung on the SRA beyond the scope of the approved resolution plan. The essence of the fresh slate principle has been adumbrated by the Hon'ble Supreme Court in their judgement in ***Ghanashyam Mishra and Sons Private Limited v. Edelweiss Asset Reconstruction Company Limited (2021) 9 SCC 657*** which is as hereunder:

“86. As discussed hereinabove, one of the principal objects of I&B Code is, providing for revival of the Corporate Debtor and to make it a going concern. I&B Code is a complete Code in itself. Upon admission of petition under Section 7, there are various important duties and functions entrusted to RP and CoC. RP is required to issue a publication inviting claims from all the stakeholders. He is required to collate the said information and submit necessary details in the information memorandum. The resolution applicants submit their plans on the basis of the details provided in the information memorandum. The resolution plans undergo deep scrutiny by RP as well as CoC. In the negotiations that may be held between CoC and the resolution applicant, various modifications may be made so as to ensure, that while paying part of the dues of financial creditors as well as operational creditors and other stakeholders, the Corporate Debtor is revived and is made an ongoing concern. After CoC approves the plan, the Adjudicating Authority is required to arrive at a subjective satisfaction, that the plan conforms to the requirements as are provided in subsection (2) of Section 30 of the I&B Code. Only thereafter, the Adjudicating Authority can grant its approval to the plan. It is at this stage, that the plan becomes binding on Corporate Debtor, its employees, members, creditors, guarantors and other stakeholders involved in the resolution Plan. The legislative intent behind this is, to freeze all the claims so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. If that is permitted, the very calculations on the basis of which the resolution applicant submits its plans, would go haywire and the plan would be unworkable.”

22. In the facts of the present case, there is no dispute with the facts that the additional claims made by the Appellant were placed before the RP by the Appellant after approval of the resolution plan by the CoC. In terms of the

Ghanashyam Mishra judgment, the additional claim not being part of the resolution plan stood extinguished and therefore no proceedings could be continued in respect of such claims as allowing such belated additional claims would come in the way of the SRA in reviving the operations of the Corporate Debtor on a clean slate.

23. It has also been clearly held by the Hon'ble Supreme Court of India in **M/s RP Infrastructure Ltd. vs Mukul Kumar & Anr. in Civil Appeal No. 5590 of 2021** that after the resolution plan is approved by the CoC but pending before the Adjudicating Authority, no new claims can be thrust upon the resolution applicant. The relevant excerpts of the judgement read as under:

“19. The second question is whether the delay in the filing of the claim by the Appellant ought to have been condoned by the Respondent No. 1. The IBC is time bound process. There are, of course, certain circumstances in which the time can be increased. The question is whether the present case would fall within those parameters. The delay on the part of the Appellant is of 287 days. The Appellant is a commercial entity. That they were litigating against the corporate debtor is an undoubted fact. We believe that the Appellant ought to have been vigilant enough in the aforesaid circumstances to find out whether the corporate debtor was undergoing CIRP. The Appellant has been deficient on this aspect. The result, of course, is that the Appellant to an extent has been left high and dry.

21. The mere fact that the Adjudicating Authority has yet not approved the plan does not imply that the plan can go back and forth, thereby making the CIRP an endless process. This would result in there opening of the whole issue, particularly as there may be other similar person who may jump onto the bandwagon. As described above, in Essar Steel, the Court cautioned against allowing claims after the resolution plan has been accepted by the COC.

22. We have thus come to the conclusion that the NCLAT's impugned judgment cannot be faulted to reopen the chapter at the behest of the appellant. We find it difficult to unleash the hydra-headed monster of undecided claims on the resolution applicant.

23. *The mere fact that the adjudicating authority has yet not approved the plan does not imply that the plan can go back and forth, thereby making the CIRP an endless process. This would result in the reopening of the whole issue, particularly as there may be other similar persons who may jump on to the bandwagon. As described above, in Essar Steel, the Court cautioned against allowing claims after the resolution plan has been accepted by the CoC.”*

24. In yet another judgement, the Hon’ble Supreme Court in ***Committee of Creditors of Essar Steel India Limited Vs. Satish Kumar Gupta and Ors***

2019 SCC Online SC 1478 has articulated the fresh slate theory and held:

“105. Section 31(1) of the Code makes it clear that once a resolution plan is approved by the Committee of Creditors, it shall be binding on all stakeholders including guarantors. This is for the reason that this provision ensures at the successful resolution applicant starts running the business of the corporate debtor on a fresh slate as it were.

107. For the same reason, the impugned NCLAT judgment in holding that claims that may exist apart from those decided on merits by the resolution professional and by the Adjudicating Authority/Appellate Tribunal can now be decided by an appropriate forum in terms of Section 60(6) of the Code, also militates against the rationale of Section 31 of the Code. A successful resolution Applicant cannot suddenly be faced with “undecided” claims after the resolution plan submitted by him has been accepted as this would amount to a hydra head popping up which would throw into uncertainty amounts payable by a prospective resolution Applicant who would successfully take over the business of the corporate debtor. All claims must be submitted to and decided by the resolution professional so that a prospective resolution Applicant knows exactly what has to be paid in order that it may then take over and run the business of the corporate debtor. This the successful resolution Applicant does on a fresh slate, as has been pointed out by us hereinabove. For these reasons, the NCLAT judgment must also be set aside on this count”.

25. From a reading of the above three judgements of the Hon’ble Supreme Court, we have no doubt in our minds that once the CoC has approved a Resolution Plan, the same becomes binding on all stakeholders and no additional claims can be entertained. The approved plan, as sanctioned by the

CoC is binding and must be implemented as per its terms. Any deviation at this stage would compromise the very purpose of insolvency resolution. If belated claims of creditors are casually and mechanically accepted by the RP even after approval of the plan by the CoC, it would imperil the successful resolution of the Corporate Debtor and frustrate the objectives of IBC.

26. This brings us to the judgements relied upon by the Appellant in support of their contention that the additional claims being statutory, the same should have been entertained. We have no quarrel with the proposition of law contained in the judgement of the Hon'ble Supreme Court in ***Maharashtra State Co-operative Bank Ltd. v. APFC (AIR 2010 SC 868)*** which held that statutory obligations are required to be fulfilled in insolvency proceedings. However, in taking care of these statutory obligations, the Hon'ble Supreme Court did not dispense with the filing of such claims on time. We must add here that the reliance placed by the Appellant on the judgment of this Tribunal in the matter of ***Regional Provident Fund Commissioner Vs Mamta Binani in CA(AT)(Ins.) No. 245 of 2022*** is also misplaced since in that case, the Appellant had filed their claim before the approval of the plan by the CoC thereby making the facts clearly distinguishable from the present case wherein the claims were filed after the approval of the plan by the CoC.

27. Having noticed the statutory framework and the purpose and objective of the IBC as well as clean slate theory propounded by the Hon'ble Apex Court which has been reaffirmed time and again, we are of the considered view that on approval of the resolution plan by the CoC, there is a closure to all claims. Had the RP taken cognisance of the belated additional claim of the Appellant, it would

have resulted in re-opening of the resolution plan which would militate against the statutory scheme of IBC and tantamount to infringement of the clean slate theory of the Hon'ble Apex Court. Further when the claims have been filed belatedly, the RP's action to reject the claim by way of a reasoned reply to the Appellant cannot therefore be put to fault. The Adjudicating Authority did not commit any error, in the given facts and circumstances, in upholding the decision of the RP to reject the belated additional claims of the Appellant.

28. In result, we are of the view that no error was committed by the Adjudicating Authority in rejecting the additional claims of the Appellant. We do not find any cogent grounds which warrants any interference in the impugned order. The Appeal fails and is dismissed. No costs.

**[Justice Ashok Bhushan]
Chairperson**

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

**[Arun Baroka]
Member (Technical)**

**Place: New Delhi
Date: 08.04.2025**

Abdul