

IN THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH
CUTTACK

IA (IB) No.22/CB/2021
in
TP No.192/CTB/2019
[earlier CP (IB) No.4701/MB/2018]

In the matter of

An application under section 30(6) for approval of Resolution Plan
under section 31(1) of the Insolvency and Bankruptcy Code, 2016

and

In the matter of:

TP No.192/CTB/2019
[earlier, CP (IB) No.4701/MB/2018]

Dena Bank, having its registered officer at Dena Corporate Centre, C-10, G- Block,
Bandra Kurla Complex, Bandra, Mumbai, Maharashtra.

...**Financial Creditor**

Versus

Kanak Pulp and Paper Mill Private Limited, having its registered office situated
at C/o Bharat Sales, Opp. Hotel Grand International, Station Road, Raipur,
Chhattisgarh- 492 001.

...**Corporate Debtor**

And

In the matter of

IA (IB) No.22/CB/2021

Jagdish Kumar Parulkar, Resolution Professional of Kanak Pulp and Paper Mill
Private Limited, resident of B-56 Wallfort City, Bhatagaon, Raipur, Chhattisgarh.

... **Applicant**

Coram:

Shri Rajasekhar V. K. : Member (Judicial)

Shri Satya Ranjan Prasad : Member (Technical)

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Appearances (through video conferencing):

For the applicant : Ms. Mrinali Prasad, Advocate
Mr. Jagdish Kumar Parulkar, RP

Order reserved on: 21.09.2021

Order pronounced on: 01.11.2021

ORDER

Per: Rajasekhar V.K., Member (Judicial)

Introduction

1. The court convened *via* video conference.
2. The present Application has been filed by Mr. Jagdish Kumar Parulkar, the Resolution Professional ('RP'), in the matter of Kanak Pulp and Paper Mills Private Limited (*Corporate Debtor*), undergoing Corporate Insolvency Resolution Process ('CIRP') for the approval of Resolution Plan under section 30(6) of Insolvency & Bankruptcy Code, 2016 ('IBC' or 'the Code') read with regulation 39(4) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process of Corporate Persons) Regulations, 2016 ['CIRP Regulations'] by this Adjudicating Authority as approved by the Committee of Creditors ('CoC').
3. The Applicant Resolution Professional Mr. Jagdish Kumar Parulkar of Kanak Pulp and Paper Mills Private Limited is filing the present application under section 30(6) of the Insolvency & Bankruptcy Code, 2016 for seeking approval of the Resolution Plan.

Timeline of the CIRP

4. The CIRP of the Corporate Debtor commenced by an order of this Adjudicating Authority dated 14.11.2019 in CP (IB) No.4701/MB/2018

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and Mr. Jagdish Kumar Parulkar was appointed as Interim Resolution Professional by this Adjudicating Authority.

5. The applicant Mr. Jagdish Kumar Parulkar was then confirmed as Resolution Professional by the CoC in their first meeting on dated 13.12.2019.
6. The Resolution Professional appointed two sets of valuers as required under Regulation 27. A summary of the valuation determined is as below-

Class of Asset	Name of the valuers	Fair Value (Rs. lakhs)	Liquidation Value (Rs. lakhs)
Land and Building	1. Sanjeev Kalsiwal	2,13,04,100	84,87,600
	2. Ashutosh Kaushik	2,09,17,000	92,24,000
Plant and Machinery	1. Sushant Aggarwal	52,58,000	42,06,400
	2. Manish Kumar Khanduja	51,00,000	41,00,000
Securities and Financial Assets including Inventory and Intangibles	1. Anoop Kumar Goyal	0	0
	2. Mohit Sagar	0	0
Total Average Value		2,62,89,550	2,03,49,550

7. During the course of the insolvency resolution process, there were seven meetings of the Committee of Creditors, as follows

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Meeting No.	Date of Meeting
1 st	13.12.2019
2 nd	20.01.2020
3 rd	14.02.2020
4 th	02.03.2020
5 th	18.06.2020
6 th	16.07.2020
Continuation of 6 th	04.08.2020 & 05.08.2020
7 th	14.08.2020

8. The Resolution Professional published Form G on 22.01.2020 in the Raipur editions of *Central Chronicle (English)* and *Navbharat (Hindi)* newspapers. Form G was reissued on 15.02.2020.
9. The Resolution Professional received Expressions of Interest (EoI) from Vedara India Ventures Private Limited (Resolution Applicant) and Mr. Sanjiv Kumar Rathi and Mrs Divya Sanjiv Rathi (Joint Resolution Applicant) and included in the final list of prospective resolution applicants that was announced on 26.03.2020.
10. The Resolution Professional received a resolution plan from Vedara India Ventures Private Limited (Resolution Applicant) and Mr. Sanjiv Kumar Rathi and Mrs. Divya Sanjiv Rathi (Joint Resolution Applicant) on 07.07.2020.
11. Thereafter the Resolution Professional received a modified resolution plan from Vedara India Ventures Private Limited (Resolution Applicant) and Mr Sanjiv Kumar Rathi and Mrs Divya Sanjiv Rathi (Joint Resolution Applicant) on 11.08.2020, which was considered at the 7th meeting of the

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CoC on 14.08.2020. The CoC deliberated on the Resolution Plan in terms of section 30(4) and after discussion agreed to put the said Resolution Plan for physical voting at the same meeting. The Resolution Plan was approved by a vote share of 100% on the same day, *i.e.*, 14.08.2020.

Key features of the Resolution Plan

12. The salient features of the approved resolution plan are as follows-

- The overall Plan amount is ₹10.54 crore.
- The Resolution Applicants propose to pay 100% of the CIRP cost of ₹25 lakh or actual CIRP cost, whichever is higher, within 60 days of the approval of the Resolution Plan.
- The Resolution Applicants propose to pay to Workmen and Employees ₹2 lakh.
- Secured Financial Creditors are proposed to be paid ₹2.72 Crore.
- The Operational Creditors shall be paid ₹1 lakh.
- The Resolution Applicants propose to pay Statutory Dues in a sum of ₹1 lakh.

13. The resolution applicants submitted an affidavit dated 07.07.2020 under section 29A confirming its eligibility to submit a Resolution Plan.

Statutory Compliances

14. The compliance of the Resolution Plan is as under:

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Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	Compliance (Yes / No)
Section 30(1)	Whether the Resolution Applicant has submitted an affidavit stating that it is eligible?	Same has been submitted with the Resolution Plan	Yes
30(2)	Whether the Resolution Plan-		
	(a) provides for the payment of insolvency resolution process costs?	(a) The Resolution Applicant in Para 6.1 of the Resolution Plan has provided for the payment of insolvency resolution process costs.	Yes Page 19
	(b-1) provides for the payment to the operational creditors?	(b) The Resolution Applicant in Para 6.4 of the Resolution Plan has provided for the payment of operational creditors.	Yes Page 21-24
	(b-2) provides for the payment to the financial creditors who did not vote in favour of the resolution plan?	The Resolution Applicant in Para 6.5 of the Resolution Plan has provided for the payment of operational creditors	Yes Page 24

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Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	Compliance (Yes / No)
	(c) provides for the management of the affairs of the corporate debtor?	The Resolution Applicant in Para 11 of the Resolution Plan has provided for the management of the affairs of the Corporate Debtor	Yes Page 28-29
	(d) provides for the implementation and supervision of the resolution plan?	The Resolution Applicant in Para 12 of the Resolution Plan has provided for the implementation and supervision of the resolution plan	Yes Page 29-30
	(e) contravenes any of the provisions of the law for the time being in force?	On perusal of the Resolution Plan submitted by the Resolution Applicant namely, Vedara India Ventures Private Limited (Resolution Applicant) and Mr. Sanjeev Kumar Rathi and Mrs. Divya Sanjeev Rathi (Joint Resolution Applicant) along with other	Yes Page 15

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Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	Compliance (Yes / No)
		Declarations, it appears that the Resolution Plan duly conforms to all the necessary requirements specified by the Board. Same has been provided in Para 3.2.4 of the Resolution Plan	
Section 30(4)	Whether the Resolution Plan (a) is feasible and viable, according to the CoC? (b) has been approved by the CoC with 66% voting share?	The Plan is considered feasible and viable by the CoC and has been approved by CoC with 100% voting share.	Yes
Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	
Regulation 38 (1)	Whether the amount due to the operational creditors under the resolution plan has been given priority in payment over financial creditors?	Same has been provided for in Para 5 - Financial Proposal of the Resolution Plan	
Regulation	Whether the resolution plan includes a statement as to how	Same has been provided for in Para 6 of the Resolution Plan	

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Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	Compliance (Yes / No)
38(1A)	it has dealt with the interests of all stakeholders?		
Regulation 38(1B)	(i) Whether the Resolution Applicant or any of its related parties has failed to implement or contributed to the failure of implementation of any resolution plan approved under the Code.	No. Same has been provided in Para 3.2.3 of the Resolution Plan.	
	(ii) If so, whether the Resolution Applicant has submitted the statement giving details of such non-implementation?	NA	
Regulation 38(2)	Whether the Resolution Plan provides for –		
	(a) the term of the plan and its implementation schedule?	The same has been provided for in Para 12.2 of the Resolution Plan at page 30	
	(b) for the management and control of the business of the corporate debtor during its term?	The Resolution Applicant in Para 12 of the Resolution Plan has provided for the management of the affairs of the Corporate Debtor.	
	(c) adequate means for supervising its implementation?	The Resolution Applicant in Para 12.2.1 of the Resolution Plan has provided for implementation and supervision of the resolution	

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Section of the Code / Regulation No.	Requirement with respect to Resolution Plan	Clause of Resolution Plan	Compliance (Yes / No)
		plan.	
38(3)	Whether the resolution plan demonstrates that –	Same has been provided for in Para 5 of the Resolution Plan.	
	(a) it addresses the cause of default?		
	(b) it is feasible and viable?	As per financial projections.	
	(c) it has provisions for its effective implementation?	As per financial projections.	
	(d) it has provisions for approvals required and the timeline for the same?	Para 14 of the Resolution Plan	
	(e) the resolution applicant has the capability to implement the resolution plan?	Para 3.3 of the Resolution Plan	
39(2)	Whether the RP has filed applications in respect of transactions observed, found or determined by him?	Yes, transactions under section 43 and 66 of the IBC, 2016 has been identified by the RP and application has been filed before the NCLT	
Regulation 39(4)	Provide details of performance security received, as referred to in sub-regulation (4A) of regulation 36B.	The Performance security in the form of Demand Draft for ₹68.00 lakh has already been submitted to the Resolution Professional in compliance to the RFRP.	

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Concessions, reliefs and dispensations sought:

15. The Resolution Applicant has sought for the following concessions, reliefs and dispensations, upon each of which orders are passed as follows:

Sl. No.	Waivers, Reliefs and Exemptions sought from NCLT	Orders thereon
1.	The Resolution Applicant will be acquiring control over the Company pursuant to the order of the Adjudicating Authority/NCLT and not pursuant to the usual acquisition process which would ordinarily include a detailed due diligence and representation, warranties and indemnities in relation to the affairs of the Company from its Existing Promoters. The Resolution Applicant may take some time to discover all the non-compliances that may exist in relation to the Company on the date of acquisition of control by the Resolution Applicant over the Company. As such the Resolution Applicant may take some time to identify such non-compliances and to address them. In light of this, the Resolution Applicant prays to the Adjudicating Authority / NCLT to grant it immunity from any actions and penalties (of any nature) / prosecution under any laws for any noncompliance of laws in relation to the Company or by the Company, which was	It was for the Resolution Applicant to undertake proper due diligence, and not thrust its own carelessness on the Adjudicating Authority and expect concessions in this regard. Having said that, it is up to the Resolution Applicant to make necessary applications to the concerned regulatory or statutory authorities for renewal of such business permits in terms of s.31(4) of the IBC, and such authority shall also consider the same keeping in mind the objectives of the Code..

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Sl. No.	Waivers, Reliefs and Exemptions sought from NCLT	Orders thereon
	existing as on the Effective Date and which continues for a period of up to 12 (twelve) months after Effective Date. The Resolution Applicant undertakes to cause the Company to expeditiously identify such non-compliances, evaluate the steps required to address such non-compliances and take steps to remedy such non-compliances to the extent practically possible.	
2.	The Department of Registration and Stamps, Government of Chhattisgarh and the MCA to exempt the Resolution Applicant and the Company, from the levy of stamp duty, ROC fee and other charges applicable in relation to this Plan and its implementation under this Plan.	Not granted.
3.	The Central Board of Direct Taxes to exempt the Corporate Debtor from the applicable provisions of Section 79 read with Section 2(18) of the Income Tax Act,1961 upon change in shareholding of the Corporate Debtor pursuant to the Resolution Plan and allow carry forward losses of the Corporate Debtor as on the Effective Date in this regard, an opportunity to be provided by Resolution Professional to the jurisdictional	This is for the relevant tax authorities to consider.

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Sl. No.	Waivers, Reliefs and Exemptions sought from NCLT	Orders thereon
	Principal commissioner/ Commissioner of Income Tax to submit his views and objections, if any, to enable NCLT to pass suitable orders for permitting carry forward of depreciation and losses as per the Income Tax Act,1961.	
4.	The Central Board of Direct Taxes to consider providing relief to the Corporate Debtor from all past litigations pending at different levels and provide waiver from all Tax dues including interest and penalty on such litigations.	This is for the relevant tax authorities to consider.
5.	The Central Board of Direct Taxes to allow the Corporate Debtor to carry forward the minimum alternate tax credit available as on the Effective Date for the balance period as per the provisions of Income-tax Act,1961	This is for the appropriate authorities to consider.
6.	The Central Board of Direct Taxes to exempt from levying any type of Taxes and stamp duty, if any, arising on account of transaction consummated or actions undertaken pursuant to the approval of the Resolution Plan by the NCLT in accordance with the Code and not initiate any proceedings there under the	This is for the relevant tax authorities to consider.

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Sl. No.	Waivers, Reliefs and Exemptions sought from NCLT	Orders thereon
	provisions of Income-tax Act, 1961 with respect to the transaction, since such taxes and duties, if required to be paid, will render the Resolution Plan unviable.	
7.	Accordingly, upon the Resolution Plan being approved by the NCLT, the actions undertaken pursuant to the implementation of the Resolution Plan shall be deemed to be exempt for many tax obligation under various taxing statutes, including but not limited to sections 56 and 50 CA under the Income Tax Act,1961(as amended from time to time),as well as the Central Goods and Services Act 2017(as amended from time to time)and the provisions of the Indian Stamp Act,1899 and other laws relating to payment of stamp duty applicable in any state.	This is for the relevant tax authorities to consider.
8.	All assets (including properties, whether freehold or license basis) of the Corporate Debtor to be vested in the restructured Corporate Debtor free and clear of all Encumbrances, including of all properties mortgaged to theh financial creditor and Security deposit with CSPDCL amounting to ₹29 lakh not	Granted. However, in the case of electricity dues payable to Chhattisgarh State Power Distribution Company Limited, the amount of ₹29 lakh lying as security deposit shall not be adjusted towards any electricity dues outstanding

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	adjustable with any outstanding electricity dues.	as on the insolvency commencement date.
9.	Any and all cases relating to the claims settled by virtue of this Resolution Plan be deemed settled as per the terms hereof.	Granted. In <i>Ghanashyam Mishra & Sons Pvt Ltd v. Edelweiss Asset Reconstruction Company Ltd,</i> ¹ the Hon'ble Supreme Court held in para 95(i) that once a Resolution Plan is approved, a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.
10.	All Governmental Authorities to grant any relief, concession or dispensation as may be required for implementation of the transactions contemplated under the Plan in accordance with its terms and conditions.	This is for the appropriate authorities to consider, keeping in view the letter and spirit of the Insolvency & Bankruptcy Code, 2016, which is to enable fresh start for the corporate debtor.
11.	All Governmental Authorities to waive the Non-Compliance of the Corporate Debtor prior to the Effective Date.	Once the resolution plan is approved by this Adjudicating Authority, the corporate debtor under new management shall have one year in terms of section 31(4) of the Insolvency & Bankruptcy Code, 2016, within which to obtain the requisite approvals. The appropriate authorities are requested to consider the same expeditiously and favourably since the object of the

¹ 2021 SCC OnLine SC 313 decided on 13.04.2021.

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		Insolvency & Bankruptcy Code, 2016, is to enable a fresh start for the corporate debtor. Such authorities may also consider whether waiver of non-compliance of the conditions governing the grant of any licence or concession would be fatal or not.
12.	Any charge, interest, penalty or dues pertaining to statutory authorities such as Income Tax, Service Tax/ Goods and Service Tax, VAT, fees under Companies Act etc., which remain outstanding even after payments proposed in this Resolution Plan prior to CIRP Commencement date shall stand extinguished and be waived by the respective authorities.	Granted. In <i>Ghanashyam Mishra & Sons Pvt Ltd v. Edelweiss Asset Reconstruction Company Ltd</i> , ² the Supreme Court held in para 95 (i) that once a Resolution Plan is approved, a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.
13.	Registrar of Companies / Regional Director, Chhattisgarh, MCA fees etc. to register DIN of the new Directors, grant exemption for Public Issue and provide reliefs and concession as provided with respect to them under the Resolution Plan.	Not granted. All filing fee payable to the RoC shall be paid by the corporate debtor under new management. The procedural requirements for registering the DIN of the new directors shall be followed in full, except in so far as requirements for obtaining shareholder approval is concerned.

² 2021 SCC OnLine SC 313 decided on 13.04.2021.

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		As far as exemption for public issue is concerned, since these are acts in the future, full statutory and regulatory compliances shall be made by the corporate debtor, and no exemption is granted in this regard.
14.	On approval of the Resolution Plan, the relevant approvals by the ROC, Regional Director NCLT etc. required for reduction share capital, consolidation of shares, exemption from the public offer etc. as may be required to implement the provision of the Resolution Plan will be deemed to have been granted, However, any procedural process if required would be complied with by the Resolution Applicant.	Any approvals required internally within the corporate debtor for restructuring of the corporate debtor as part of the Resolution Plan, shall be considered as complied with, if the same has been envisaged in the Resolution Plan itself. However, all external procedural compliances such as filing of necessary forms with the authorities, payment of filing fee etc. shall not be deemed to have been waived and the same shall be complied with.
15.	Any claim from any person claiming to be a financial creditor of the Company, that has not been filed with the Resolution Professional, or if filed the claim, has not been verified by the Resolution Professional, or if	Granted in terms of the judgment of the Supreme Court in <i>Ghanashyam Mishra and Sons v. Edelweiss Asset Reconstruction Company Limited</i> , ³ in which it was held in para 95 (i) that once a Resolution Plan is approved,

³ 2021 SCC OnLine SC 313 decided on 13.04.2021.

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	verified, it has not been informed to the Resolution Applicant before submission of this Resolution Plan, shall stand waived and extinguished and shall no longer be payable.	a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.
16.	Any claim from any person claiming to be Trade Creditor of the Company, that has not been filed with the Resolution Professional, or if filed, has not been verified by the Resolution Professional or has been rejected by the Resolution Professional, or if verified, but has not been informed to the Resolution Applicant before submission of this Resolution Plan, shall stand waived and extinguished and shall no longer be payable.	Granted in terms of the judgment of the Supreme Court in <i>Ghanashyam Mishra and Sons v. Edelweiss Asset Reconstruction Company Limited</i> , ⁴ in which it was held in para 95 (i) that once a Resolution Plan is approved, a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.
17.	Since the value of assets of the corporate debt are much lower than the dues towards the Financial Creditors, in terms of Section 30(2)(b) read with Section 53 of the Code, no amount is proposed to be paid towards such Statutory Dues and as such dues/claims if any towards such Statutory Authorities shall stand waived	Granted in terms of the judgment of the Supreme Court in <i>Ghanashyam Mishra and Sons v. Edelweiss Asset Reconstruction Company Limited</i> , ⁵ in which it was held in para 95 (i) that once a Resolution Plan is approved, a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.

⁴ 2021 SCC OnLine SC 313 decided on 13.04.2021.

⁵ 2021 SCC OnLine SC 313 decided on 13.04.2021.

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	and extinguished whether assessed, pending assessment or disputed.	
18.	According to the provisions of Section 30(2)(b) of the Code, the Operational Creditors are entitled to such value not less than the amount to be paid to the operational creditors in the event of a liquidation of the corporate debtor under section 53. In the present case, resources available under the Resolution Plan are not sufficient to make payment even Secured Creditor, therefore, amount is due and payable towards Statutory Dues. However, Resolution Applicant proposes ₹1.00 lakh payment of existing liability as on CIRP commencement date and the balance amount outstanding against them as on the CIRP Commencement Date will stand waived and extinguished.	This is not in the nature of a concession, waiver or dispensation. Therefore, no orders are necessary in this regard.
19.	Post approval of resolution plan, the entire due towards all Statutory Dues as on the CIRP Commencement Date shall stand waived, settled and extinguished, and no claims whatsoever, of any nature, shall subsist/exists.	Granted in terms of the judgment of the Supreme Court in <i>Ghanashyam Mishra and Sons v. Edelweiss Asset Reconstruction Company Limited</i> , ⁶ in which it was held in para 95 (i) that once a Resolution Plan is approved, a creditor cannot initiate

⁶ 2021 SCC OnLine SC 313 decided on 13.04.2021.

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		proceedings for recovery of claims which are not part of the Resolution Plan.
20.	Any claim from any person claiming to be Statutory Authority of the Company, that has not been filed with the Resolution Professional, or if filed, has not been verified by the Resolution Professional or has been rejected by the Resolution Professional, or if verified, but has not been informed to the Resolution Applicant before submission of this Resolution Plan, shall stand waived and extinguished and shall no longer be payable.	Granted in terms of the judgment of the Supreme Court in <i>Ghanashyam Mishra and Sons v. Edelweiss Asset Reconstruction Company Limited</i> , ⁷ in which it was held in para 95 (i) that once a Resolution Plan is approved, a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.
21.	It is further clarified that all dues under the provisions of Income Tax Act, 1961, VAT , Service Tax, Goods and Service Tax, custom duty and any amount payable under the Companies Act 2013/ 1956 etc. including taxes, duty, penalties, interest, fines, cesses, unpaid Tax Deducted at Source / Tax Collected at Source, whether admitted or not, due or contingent, whether part of above	Granted in terms of the judgment of the Supreme Court in <i>Ghanashyam Mishra and Sons v. Edelweiss Asset Reconstruction Company Limited</i> , ⁸ in which it was held in para 95 (i) that once a Resolution Plan is approved, a creditor cannot initiate proceedings for recovery of claims which are not part of the Resolution Plan.

⁷ 2021 SCC OnLine SC 313 decided on 13.04.2021.

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	<p>claim of Income Tax Authorities or not, pertaining to any period prior to the CIRP Commencement date whether part of due diligence finding or not, asserted or unasserted, crystallized or un crystallized, known or unknown, secured or unsecured, disputed or undisputed, present or future , shall stand extinguished by virtue of the order of the Adjudicating Authority/ NCLT approving this Plan and the Company would not be liable to pay any amount against such demand. All, assessments / appellate or other proceedings pending in case of the Company, on the date of the order of Adjudicating Authority / NCLT relating to the period prior to that date, shall stand terminated and all consequential liabilities, if any, should be treated as waived / written off and should be considered to be not payable by the Company by virtue of the order on the Adjudicating Authority/ NCLT. All notices proposing to initiate any proceedings against the company in relation to the period prior to the CIRP Commencement Date and pending on that date, shall be</p>	

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[earlier CP (IB) No.4701/MB/2018]

In res: Resolution Plan of Kanak Pulp and Paper Mill Private Limited

Sl. No.	Waivers, Reliefs and Exemptions sought from NCLT	Orders thereon
	considered <i>non est</i> in law / cancelled / recalled and should not be proceeded with. Post the order of the Adjudicating Authority/ NCLT, no assessment/ re-assessment/ revision or any other proceedings under the provisions of the Income Tax Act, VAT, Service Tax, GST or any other Statutory Authority should be initiated against the Company in relation to period prior to the CIRP Commencement Date and any consequential demand should be considered <i>non est</i> in law and would not be payable by the Company. Any proceedings which were kept in abeyance in view of process under the Code or otherwise should not be revived post the order of the Adjudicating Authority/ NCLT.	

16. The RP has declared that Resolution Plan meets all the statutory requirements as required under the Code and the applicable regulations framed by the IBBI. The RP has also reported that the Plan was evaluated, examined and vetted by himself and was placed before the CoC for its consideration along with his report. A compliance certificate in Form H issued by the Resolution Professional has been submitted and marked as **Annexure A-15**.

Sd

17. The Resolution Applicant was informed about the decision of the CoC and results of voting (Physical) through an email dated 14.08.2020 issued by the Resolution Professional. In pursuance thereof, the successful resolution applicant being Vedara India Ventures Private Limited and Mr. Sanjiv Kumar Rathi and Mrs. Divya Sanjiv Rathi have deposited a performance security of ₹68,00,000 in the form of Demand Draft with the RP.

Analysis and orders

18. On hearing the submissions made by the Learned Counsel for the Resolution Professional, and perusing the record, we find that the Resolution Plan has been approved with 100% majority by the CoC, as against the minimum threshold of approval by 66% majority of the CoC. As per the CoC, the Resolution Plan meets the requirement of being viable and feasible for revival of the Corporate Debtor. By and large, all the compliances have been done by the RP and the Resolution Applicant for making the Plan effective after approval by this Adjudicating Authority.
19. On perusal of the documents on record, we are satisfied that the Resolution Plan is in accordance with sections 30 and 31 of the IBC and also complies with regulations 38 and 39 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
20. As far as the question of granting time to comply with the statutory obligations or seeking sanctions from governmental authorities is concerned, the Resolution Applicant is directed to do the same within one year as prescribed under section 31(4) of the Code.
21. There is no opposition from any quarter as regards the Resolution Plan. No circumstances exist that militate against grant of approval for the Resolution Plan. Therefore, subject to the observations made in this Order, the

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IN THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH

IA No.22/CB/2021 in TP No.192/CTB/2019
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Resolution Plan under consideration is hereby approved. The Resolution Plan shall form part of this Order.

22. Any relief sought in the Resolution Plan, where any contract, agreement, understanding, proceeding, action, notice etc. not specifically identified, or is for a future contingency, is, at this point of time, rejected.
23. The Resolution Plan as approved is binding on the Corporate Debtor and other stakeholders involved so that the revival of the Corporate Debtor can come into force with immediate effect.
24. The Moratorium imposed under section 14 shall cease to have effect from the date of this order.
25. In case of non-compliance of this order or withdrawal of Resolution Plan, the CoC shall forfeit the performance guarantee amount already paid by the Resolution Applicant.
26. The RP shall stand discharged from his duties with effect from the date of this Order. He shall, however, perform his duties in terms of the Resolution Plan as approved by this Adjudicating Authority.
27. The Resolution Applicant shall have access to all the Corporate Debtor's records, documents, assets and premises with effect from the date of this Order, to finalise the further line of action required for starting the business operations of the Corporate Debtor.
28. Liberty is hereby granted for moving applications, if required, in connection with implementation of this Resolution Plan.
29. The Application being IA No.22/CB/2021 along with TP No.192/CTB/2019 [earlier, CP No.4701/MB/2018] are disposed of accordingly.

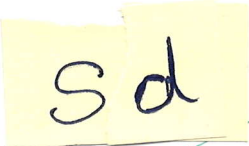
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IN THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH

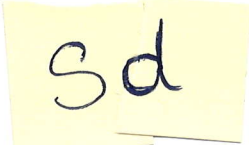
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30. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
31. A copy of this Order be sent by the Registry to the Registrar of Companies, Raipur, Chhattisgarh, *inter alia* for updating the status of the Corporate Debtor.
32. Certified Copy of this order be issued, if applied for, upon compliance of all requisite formalities.



Satya Ranjan Prasad
Member (Technical)



Rajasekhar V.K.
Member (Judicial)

Signed this 1st day of November, 2021

Ravijeet_P.S.