

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins.) No. 1133 of 2022

IN THE MATTER OF:

SAA Vishnu Bakers Pvt. Ltd.

....Appellant

Vs.

Sadhan Kumar Nag & Anr.

....Respondents

Present:

For Appellant: Ms. Sadapurna Mukherjee, Advocate

**For Respondents: Mr. Dhruv Surana, Mr. Ashish and Mr. Arya Hardik,
Advocates for R-1.**

**Mr. Sidhartha Sharma, Mr. Arjun Asthana and
Ms. Anushka Sarkar, Advocates for R-2.**

O R D E R

20.09.2022: This appeal has been filed against the order passed by the Adjudicating Authority (National Company Law Tribunal, Kolkata Bench) dated 07.09.2021 by which application filed by the Operational Creditor has been admitted. This appeal was taken by this Tribunal on 15.09.2022 and we passed following order:-

“Learned counsel for the Appellant submits that settlement has been entered with the Operational Creditor and she prays that time be allowed to file an application bringing settlement on record.

Learned counsel for the Interim Resolution Professional submits that some expenses have been incurred for publication.

Let the Interim Resolution Professional give the details of the expenses alongwith relevant receipts to the Corporate Debtor.

Application may be filed by the Appellant by 19.09.2022.

List this Appeal on 20.09.2022.

In the meantime, the Interim Resolution Professional shall not take any steps in pursuance of order dated 07.09.2022.”

2. An application I.A. No. 3447 of 2022 has been filed where settlement agreement between the parties dated 12.09.2022 has been brought on the record.

3. Learned Counsel appearing for the Operational Creditor submits that he has already received the payment and settlement has entered between the parties.

4. Learned Counsel for the IRP submits that expenses incurred is Rs.1,45,00,000/- which have been communicated to the Corporate Debtor.

5. In view of the aforesaid, we take the settlement agreement between the parties on record. Let Corporate Debtor make payment of expenses of Rs.1,45,00,000/- to the IRP within two weeks from today, in addition, shall also pay an amount of Rs. 1 lakh towards fee.

6. In view of the above, we allow I.A. No. 3447 of 2022. The impugned order dated 07.09.2021 is set aside.

7. The appeal is disposed of accordingly.

[Justice Ashok Bhushan]
Chairperson

[Justice M. Satyanarayana Murthy]
Member (Judicial)

[Barun Mitra]
Member (Technical)

sa/nn

Company Appeal (AT) (Ins.) No. 1133 of 2022