

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

Company Appeal (AT) (Insolvency) No. 656 of 2022

IN THE MATTER OF:

Sanjeev Arora
Suspended Director of RAF Stationers Pvt. Ltd. **...Appellant**

Versus

Knight Frank (India) Pvt. Ltd. & Anr. **...Respondents**

Present:

For Appellant: Mr. Piyush Singh, Mr. Akshay Srivastava and Ms. Aditi Sinha, Advocates.

**For Respondents: Mr. Arpan Behl and Mr. Zain Maqbool, Advocates for R-1.
Mr. Krishna Dev Vyas, Advocate for R-2 (IRP)**

**O R D E R
(Virtual Mode)**

13.07.2022: This Appeal has been filed against the order dated 27.05.2022 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench-III, by which order on an application filed by the Operational Creditor (Respondent No.1 herein) under Section 9 of the I&B Code the CIRP has commenced against the Corporate Debtor. The Appeal has been filed by the Suspended Director of the Corporate Debtor.

2. An application being I.A. No. 2070 of 2022 has been filed by the Appellant bringing on record the Settlement Agreement dated 28.06.2022 between the Appellant and the Operational Creditor as per which the entire payment has been made to the Operational Creditor. Learned counsel for the Operational Creditor also submits that the Operational Creditor has received the entire payment.

3. Learned counsel for the IRP submits that payment of an amount of Rs.2 Lakhs, as per the impugned order, has already been received by the IRP still

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there are pending expenses to the extent of Rs.4.36 Lakhs which are to be paid by the Appellant.

4. The Settlement Agreement already contains statement that the Appellant shall make payment to the IRP. Thus, the amount of Rs.4.36 Lakhs is further undertaken to be paid to the IRP within three days.

5. The Counsel for the IRP submits that the CoC in the present matter consist of only the Operational Creditor – Respondent herein, who having received the amount and given his consent to the Settlement Agreement there is no necessity for obtaining formal consent of the CoC, it being clearly contained in the Settlement Agreement.

6. In the facts of the present case, recording the fact that in the settlement there is consent of the Operational Creditor, who is 100% of CoC, we see no reason to direct for obtaining the formal approval by the CoC as required by law. We, thus, allow I.A. No. 2070 of 2022 and permit the Operational Creditor to withdraw the Section 9 Application. Consequently, the CIRP which commenced by order dated 27.05.2022 stands withdrawn. The Appeal is disposed of.

[Justice Ashok Bhushan]
Chairperson

[Justice M. Satyanarayana Murthy]
Member (Judicial)

[Barun Mitra]
Member (Technical)

Archana/nn