

IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

Coram: Mr. Jinan K.R.,  
Hon'ble Member(J)  
&  
Mr. Madan B. Gosavi,  
Hon'ble Member(J)

CA (IB) No. 277/KB/2018  
&  
CA (IB) No. 271/KB/2018  
&  
CA (IB) No. 281/KB/2018  
In  
CP (IB) No.361/KB/2017

By this common order we propose to dispose of the above applications filed under section 30(6) read with section 31(1) and section 60(5) of the Insolvency and Bankruptcy Code, 2016 along with C.P.(IB) No.361/KB/2017

**In the Matter of:**

Dhaivat Anjaria, Resolution Professional of  
Electrosteel Steels Limited ..

...**APPLICANT/ RESOLUTION PROFESSIONAL**

-And-

**In the matter of:**

STATE BANK OF INDIA

.. **FINANCIAL CREDITOR**

-VERSUS-

ELECTROSTEEL STEELS LIMITED

.. **CORPORATE DEBTOR**

Sd

Sd

## RESOLUTION PLAN SUBMITTED BY VEDANTA LIMITED

### For the Financial Creditor:

1. Mr. Souvik Mazumdar, Advocate
2. Mr. Arif Ali, Advocate

### For the Operational Creditor (SRG Earth Resources Pvt. Ltd.)

1. Mr. Aashish Chowdhury, Advocate

### For the Resolution Professional:

1. Mr. Siddhartha Datta, Advocate
2. Mr. Vivek Misra, Advocate
3. Ms. Isha Sinha, Advocate
4. Mr. Jay Saha, Advocate

### For the Respondent Nos. 2 to 7:

1. Mr. Arun Kumar Mishra, Advocate : For the Corporate Debtor:
1. Mr. Sachhida Nand Pandey, Advocate

Date of pronouncement of Order: 17-4-18

### Per Shri Jinan K. R., Member(J):

## ORDER

The Company Application CA(IB) No.277/KB/2018 has been filed by the Resolution Professional, Mr. Dhaivat Anjaria for approval of a Resolution Plan of **Vedanta Limited** under sub-section 6 of Section 30 read with section 31(1) of the Insolvency and Bankruptcy code,2016 (hereafter referred to as Code).

2. The Company Petition CA(IB) No.361/KB/2017 was filed by State Bank of India/Financial Creditor under Section 7 of the Code for initiating Corporate Insolvency Resolution Process (in short CIRP) of Electro steel Limited/Corporate Debtor.

Sd

Sd

3. Vide Order dated 21-07-2017, the application filed by SBI was admitted and the Resolution Professional, Mr. Dhaivat Anjaria was appointed as the interim Insolvency Resolution Professional(IRP).

4. At the first meeting of the Committee of the Creditors(CoC) held on 21-08-2017, the CoC approved the appointment of IRP and confirmed his appointment as the Resolution Professional. Before the expiry of duration of 180 days of the CIR process the duration was further extended to 17.04.2018 vide order in CA(IB) No. 555/KB/2017.

5. In the meanwhile, the Resolution Professional succeeds in his endeavour in identifying four Resolution Plans submitted to him by four Resolution Applicants and submitted all the four Resolution Plans before the CoC as per sub-section(4) of Section 30 of the Code for approving one Resolution Plan out of the four Resolution plans.

6. CA(IB) No. 277 of 2018 was filed by the Resolution Professional (RP) for the approval of Resolution Plan of Vedanta Limited approved by the CoC by 100% voting shares of the CoC. It is that plan of Vedanta Limited came up for consideration before us for the approval under sub-Section(1) of Section 31 of the Code.

7. It is contended on behalf of the Resolution Professional that the Resolution Plan submitted before us meets all the requirements as referred to in sub-section (2) of Section 30 and that a certificate as per Regulation 39(4) (a) is also annexed with the Report and upon the said contention prays for the approval of the Resolution Plan of Vedanta Limited.

8. Aggrieved by the approval of Resolution Plan of Vedanta Limited by the CoC, two Objectors come forward challenging approval of the said plan by

Sd

Sd

filing two interim applications. One among the objectors is Renaissance Steel India Private Limited (RSIPL) and another Objector is SRG Earth Resources Private Limited an Operational Creditor.

9. The RSIPL filed the CA (IB) No. 281/KB/.2018 objecting the Resolution Plan, mainly, raising two grounds. Firstly it contends that the Committee of Creditors in disobedience of the common Order passed by this Bench in CA(IB)/202/2018 and CA(IB)/203/2018 dated 20-03-2018 approved the Resolution Plan. Secondly, it contends that the Resolution Plan submitted before this adjudicating authority not at all meets the requirements under Section 30(2)(e) of the Code and that Vedanta limited is ineligible under section 29A (d) of the Code. Despite its ineligibility the CoC approved its plan contended by the RSIPL. RSIPL prays for rejection of the plan of Vedanta limited.

10. The Operational Creditor, namely, SRG Earth Resources Private Limited by filing CA (IB) No. 271/KB/2018 contends that the Resolution Professional did not admit its entire claim in violation of the provisions of law and therefore, seek directions directing the Resolution Professional to determine the claim of the Applicant in accordance with the Regulation by affording an opportunity to the applicants to substantiate its claim. According to the applicant sufficient time was not granted to it for substantiating its claim and hence the resolution plan cannot be approved with out admitting the entire claim of the applicant. This application was seen filed on 26-03-2018.

11. The Ld. Sr. Counsel for the Resolution Professional submits that all the allegations levelled against the resolution professional are denied and his said submission as requested was recorded. However, as directed the resolution professional filed reply affidavit in CA (IB) No.271/KB/2018 denying the allegations levelled against the Resolution Professional and contends that sufficient opportunity was given to the applicant and admitted part of its claim

Sd

Sd

as per the provisions of the Code and the Regulations. The resolution professional further contends that its claim in part was rejected as per the Audit Report and reconciliation of the debit note with the books and ledgers of the Corporate Debtor and rejected the claim of the Applicant aggregating Rs.1.79 crores which form part of the total claim submitted by the Applicant and that an additional amount of approximately Rs.0.73 crore was found to be unsupported and hence rejected.

12. He further would contends that out of the total claim of Rs. 313.51 crores, he admitted the claim of Rs. 0.89 crores in September, 2017 which was updated on the website of the Corporate Debtor and several opportunities have been given to the applicant by exchanging various E-mails in terms of which, inter alia, the Resolution Professional at the advice of his Advisors requested additional information and supporting data from the applicant and consequently, he found the total admitted claim amounting to Rs.1.55 Crores and he updated it on the list of Creditors available on the website of the Corporate Debtor and as a proof he produced Exhibit-4 in respect of the revised admitted claim of the Applicant amounting to Rs.1.55 crores along with the reply.

13. The Resolution Professional also contends that liquidation value of the Corporate debtor being Rs. 2899/- crores and the total admitted financial debt of the Corporate Debtor is Rs.13395/- crores, the liquidation value that becomes due to the Operational Creditors stands to be NIL and therefore, the allegation levelled by the Operational Creditor as against the Resolution Plan is not at all sustainable and prays for dismissal of the Application.

14. Heard the Id. Counsel for the Resolution Professional, the Ld. Counsel appearing on the side of the RSIPL, the Ld. Counsel for the Application of CA (IB) No.271/KB/2018, the Id. Counsel on the side of the Resolution Applicant,

Sd

Sd

