

Only an “aggrieved party” can file an appeal against Approved Resolution Plan.

CASE TITLE	Interups Inc. v. Kuldeep Kumar Bassi and Ors. ¹
CASE CITATION	Company Appeal (AT) (Insolvency) No. 1079 of 2020
DATE OF ORDER	15 th March 2021
COURT/TRIBUNAL	NCLAT
CASES REFERRED	<ul style="list-style-type: none">• <i>Venus Recruiters Private Limited Vs. Union of India & Ors.</i>
SECTION/REGULATION REFERRED	Sections 30(2) and 61(3) of IBC

Brief of the case:

The issue raised in this appeal filed by the Appellant for assailing the approved Resolution Plan of ‘JSW Steel Coated Products Ltd’ (the Approved Resolution Applicant) is that the Successful Resolution Plan is noncompliant as regard the mandate of Section 30(2) of the Code, 2016. The Appellant has also raised an issue that the CIRP defined period has already expired on 16.04.2019 and the AA is yet to approve application for exclusion of time. In between the Adjudicating Authority has approved the Resolution Plan.

Decision:

Hon’ble NCLAT while dismissing the appeal held that,

“Section 61(1) authorizes “any person aggrieved by the order of Adjudicating Authority under this part” can prefer an appeal before the Appellate Tribunal.

The ‘part’ here refers to Part -II of the Code which comprises CIRP and Liquidation Process. Here what we observed that “any person aggrieved” comprises of stakeholders in the process of CIRP and Liquidation Process. The Appellant is stranger to the CIRP till 11th June, 2020. On 12.06.2020 the Appellant for the first time expressed its interest to submit a Resolution Plan for the Asian Colours Coated Ispat Ltd, this email was marked to all CoC members. No financial proposal was provided in the said letter.”



QR CODE FOR FULL ORDER/JUDGEMENT:

¹ <https://nclat.nic.in/Useradmin/upload/1476967527604f57c2ac5f1.pdf>