

**DIVISION BENCH**

**ITEM NO.101 to 115 & 134**

**NATIONAL COMPANY LAW TRIBUNAL  
ALLAHABAD BENCH  
PRAYAGRAJ**

**CORAM:**

- 1. SHRI PRAVEEN GUPTA,  
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,  
HON'BLE MEMBER (TECHNICAL)**

**Date of Order: 7<sup>th</sup> May, 2024**

**Attendance-Cum-Order Sheet of the Hearing.**

**101- CA NO.120/2019 & IA NO.406/2023 IN CP (IB) No.330/ALD/2018**

<b>NAME OF THE COMPANY</b>	<b>ICICI BANK LTD V/S JAIPRAKASH ASSOCIATES LTD</b>
<b>UNDER SECTION</b>	<b>7 IBC</b>

**102- CP (IB) No.371/ALD/2019**

<b>NAME OF THE COMPANY</b>	<b>RAJ KUMAR SHARMA V/S JAIPRAKASH ASSOCIATES LTD</b>
<b>UNDER SECTION</b>	<b>7 IBC</b>

**103- CP (IB) No.372/ALD/2019**

<b>NAME OF THE COMPANY</b>	<b>ARUN SHARMA V/S JAIPRAKASH ASSOCIATES LTD</b>
<b>UNDER SECTION</b>	<b>7 IBC</b>

**104- CP (IB) No.108/ALD/2022**

<b>NAME OF THE COMPANY</b>	<b>STATE BANK OF INDIA V/S JAIPRAKASH ASSOCIATES LTD.</b>
<b>UNDER SECTION</b>	<b>7 IBC</b>

**105- CP (IB) No.23/ALD/2019**

<b>NAME OF THE COMPANY</b>	<b>JAYCON INFRASTRUCTURE LTD V/S M/S JAIPRAKASH ASSOCIATES LTD</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

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**106- CP (IB) No.216/ALD/2019**

<b>NAME OF THE COMPANY</b>	<b>PHOSPHATE INDIA PVT LTD V/S JAIPRAKASH ASSOCIATES LTD</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**107- CP (IB) No.48/ALD/2021**

<b>NAME OF THE COMPANY</b>	<b>KANODIA INFRATECH LTD V/S JAIPRAKASH ASSOCIATES LTD</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**108- CP (IB) No.62/ALD/2022**

<b>NAME OF THE COMPANY</b>	<b>VOLTAS LIMITED V/S JAIPRAKASH ASSOCIATES LIMITED</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**109- CP (IB) No.95/ALD/2022**

<b>NAME OF THE COMPANY</b>	<b>R.K. ROAD LINES V/S JAIPRAKASH ASSOCIATES LIMITED</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**110- CP (IB) No.96/ALD/2022**

<b>NAME OF THE COMPANY</b>	<b>DIAMOND ROAD LINES V/S JAIPRAKASH ASSOCIATES LIMITED</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**111- CP (IB) No.97/ALD/2022**

<b>NAME OF THE COMPANY</b>	<b>ANAND CARRYING CORPORATION V/S JAIPRAKASH ASSOCIATES LIMITED</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

**112- CP (IB) No.98/ALD/2022**

<b>NAME OF THE COMPANY</b>	<b>MAHAVIR ROADLINES V/S JAIPRAKASH ASSOCIATES LIMITED</b>
<b>UNDER SECTION</b>	<b>9 IBC</b>

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**113- CP (IB) No.99/ALD/2022**

NAME OF THE COMPANY	LUCKY FREIGHT CARRIERS V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

**114- CP (IB) No.23/ALD/2023**

NAME OF THE COMPANY	SHYAM COAL COMPOANY V/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	9 IBC

**115- CP (IB) No.24/ALD/2023**

NAME OF THE COMPANY	AWADH ENTERPRISES V/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	9 IBC

**134- CA NO.213/2018 IN CP (CAA) No.19/ALD/2018, CA (CAA) No.174/ALD/2017 (Second Motion)**

NAME OF THE COMPANY	JAIPRAKASH ASSOCIATES LTD WITH JAYPEE INFRASTRUCTURE DEVELOPMENT LTD
UNDER SECTION	230/232 OF COMPANIES ACT, 2013

**COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:**

Sh. Amit Saxena, Sr. Adv. Assisted by : *For the Financial Creditor/ ICICI Bank Ltd. In item no.101 & Applicant in item no.134*  
Sh. Rahul Agarwal & Ms. Aishwarya Gupta, Advs.

Sh. Devendra Singh, Adv. : *For the Petitioner/Financial Creditor Mr. Raj Kumar Sharma present in person in Item No.101 & 102*

Sh. Sandeep Arora, Adv. : *For the SBI/FC in Item no.104*

Sh. Achin Goel, Adv. : *For the Operational Creditor in Item No.105*

Sh. Kartikeya Saran with Sh. Ujjawal Satsangi, Adv. : *For the Operational Creditor in Item nos.107, 108 & 109*

Sh. R.P. Agarwal, Sr. Adv. assisted by Sh. Abhishek Tripathi, Adv. : *For the Jaiprakash Associates Ltd. In all matters*

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## ORDER

Ld. Sr. Counsels with their assisting counsels are present for their respective parties.

1. Today, the Ld. Sr. Counsel representing the Corporate Debtor has argued CA No.120/2019 filed by the Corporate Debtor in the main CP (IB) No.330/ALD/2018.
2. Ld. Sr. Counsel for Corporate Debtor has also argued against CA No.213/2018 in CP (CAA) No.19/ALD/2018. The said CA No.213/2018 has been filed by the petitioner namely ICICI Bank Ltd., *interalia*, seeking two reliefs; firstly seeking as an intervenor; and secondly also seeking to keep the petition of scheme of arrangement i.e. CP (CAA) No.19/ALD/2018 in abeyance till consideration of Section 7 petition filed by them.
3. In terms of an earlier order dated 06.02.2019, it was already directed that the present CP (CAA) No.19/ALD/2018 for scheme of arrangement would also be heard along with Section 7 petition.
4. Ld. Sr. Counsel representing the Applicant in CA No.213/2018 i.e. the ICICI Bank states that though as per the aforesaid order, this present petition of scheme of arrangement is to be heard along with the main petition, however, unless they are impleaded as an intervenor, they would not be in a position to respond to the scheme *per se*, particularly in view of the fact that they also do not have the copy of the second motion petition filed by the petitioners.
5. In view of this, the present CA No.213/2018 is allowed. The Applicant/ ICICI Bank is allowed as an intervenor. Let the soft as well as hard copy of the second motion petition be supplied within a period of two days.

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6. Now, as requested by the Ld. Sr. Counsel representing the Financial Creditor/ ICICI Bank, the rebuttal with respect to the petition filed by them to the counter of the Corporate Debtor is to be made along with his submissions with respect to the scheme of arrangement.
7. Ld. Sr. Counsel representing the Financial Creditor/ Bank seeks ten days time to argue on his rebuttal.
8. Let the matter be adjourned for 16<sup>th</sup> May, 2024, to come up higher on Board for further/ final hearing.
9. The written submissions be also filed within one week by the respective parties.
10. The photocopy of this order be placed on record in all the connected matters.

***-Sd-***  
**(Ashish Verma)**  
**Member (Technical)**

***-Sd-***  
**(Praveen Gupta)**  
**Member (Judicial)**

***7<sup>th</sup> May, 2024***

*Kavya Prakash Srivastava*  
*(Stenographer)*