

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.201- IA/1414(AHM)2023
ITEM No.202- IA/309(AHM)2023
ITEM No.203- IA/627(AHM)2023
ITEM No.204- IA/1008(AHM)2023
ITEM No.205- IA/1330(AHM)2023
in
CP(IB) 388 of 2018

Proceedings under Section 7 IBC

IN THE MATTER OF:

Central Bank of India
V/s

Cure Life Care Pvt Ltd

.....Applicant

.....Respondent

Order delivered on: 14/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant : Ms. Natasha Dhruvan Shah, Adv.
For the Respondent : Mr. Masoom Shah, Adv. a.w Mr. Dhruvin Dossani, Adv
For R-1 & R-2 (202,203,204)
: Mr. Dhrien Dave, Adv. For R-3,4(202)
for R-3 (203) & R-4(204)

ORDER

IA/309(AHM)2023

This application was filed by the applicant/RP under Section 19(2) read with Section 60(5) IBC read with Rule 11 of NCLT Rules, 2016 seeking cooperation from the Respondents in the CIRP process. The Respondent R-1 & 2 appeared through separate counsel and already filed reply. Respondent 3 and 4 have also appeared through separate counsel and has also filed reply to which rejoinder was already filed by applicant/RP. Pending this application resolution Plan was approved by the CoC on 22.11.2023 of one SRA namely Mr. Sonal Yogesh Shah which is now pending before this Tribunal for approval of this Authority through IA No. 1414 of 2023 and listed today on Board in serial no. 201.

In compliance of statement of the RP as well as order of this Tribunal dated 20.02.2024 additional affidavit on behalf of the applicant RP was filed on 20.03.2024 vide inward diary no. 2482. Under Para 4 of aforesaid affidavit states as under:-

“I further state that on receipt of reply from COC/RA and since the resolution plan is already approved by COC, I do not insist to pursue the present application i.e. I.A. No. 309 of 2023. However, crave liberty to reserve the right or liberty to approach this Hon'ble Authority for details/ documents as may be necessary to enable effective adjudication of IA No. 627 of 2023 and IA No. 1008 of 2023 i.e. Applications seeking appropriate reliefs under Sections 43,45,49 and 66 of the Insolvency and Bankruptcy Code, 2016, pending before this Hon'ble Authority. I beg to annex copies of emails dated 22.02.2024 and 26.02.2024 as Annexure-II Colly to the present affidavit.”

In view of the statement of the applicant/RP, we hereby direct the RP to obtain necessary affidavit from the SRA that pendency/withdrawal of IA 309 of 2023 will not effect on the decision of the resolution plan for all practical purposes in present and future.

Learned RP directed to file this affidavit within a period of 7 days from the date of this order.

IA/1414(AHM)2023

Today IA 1414 of 2023 was heard additional affidavit was taken up during the hearing today and additional affidavit filed under diary no. 68 dated 03.01.2024 was also heard.

Learned counsel for the RP stated that there are certain claims filed by the unsecured Financial Creditor and also certain Operational Creditors which are still under verification. As on the date of hearing of this application the said certain claims are yet to be collated by the RP.

Order for approval of the Resolution Plan pending the verification of the claims at the end of the RP cannot be taken by this Tribunal. RP is directed to complete the verification of the claims within the period of 7 days from the date of this order.

Let all parties including the RP as well as SRA be available for physical hearing in the matter.

Re list for hearing all the matters on 10.06.2024

-sd-

**SAMEER KAKAR
MEMBER (TECHNICAL)**

-sd-

**SHAMMI KHAN
MEMBER (JUDICIAL)**