

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.301

New IA6271/2023 IVN. A-80/2023 IA-6032/2023 IA-5144/2023 IA-5145/2023
IA-5421/2023 IA-5238/2023 IA-5125/2023 IA-4466/2023
In
IB-1348(ND)/2019

IN THE MATTER OF:

M/s. Nisus Finance & Investment Managers LLP & Anr.

.... APPLICANT/PETITIONER

Vs.

M/s. Earthcon Universal Infratech Pvt. Ltd.

.... RESPONDENT

SECTION

U/s 7 IBC code 2016

Order delivered on 29.11.2023

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Ms. Simran Jyot Singh, Advocate in IA-5125/2023,
Mr. M.R. Shanshad, Ms. Injila Muslim, Ms. Nabeela,
Mr. Arnab Chakraborty, Advocates in IA-5421/2023,
Mr. Vipul Ganda, Ms. Abhipsa Mohanty, Ms. Shreya
Kumar, Mr. Najaf Hussain, Advocates in IA-
6032/2023
Mr. Shikhil Suri, Ms. Vidhi Kapoor, Advocates in IA
5238/2023

For the GNIDA : U.N. Singh, Advocate for GNIDA

For the CoC : Mr. Karik Seth, Mr. Prashanth R. Dixit, Advocates for
CoC in New IA6271/2023 IVN. A-80/2023

For the SRA : Mr. P. Nagesh, Sr. Advocate, Mr. Harshal Kumar for
SRA

For the RP : Mr. Rishabh Jain, Advocate for RP, Mr. Gaurav
Katiyar, RP in person

ORDER

New IA-6271/2023:-

This application has become infructuous.

IA **dismissed** as infructuous.

IVN. A-80/2023:-

The Applicant has not complied with the order dated 08.11.2023 and has not submitted the majority voting which was passed by CoC. We are not inclined to entertain this application.

IVN. A-80/2023 is **dismissed**.

IA-6032/2023:-

Three days' further time granted as a last and final opportunity for filing reply affidavit, failing which, the matter will be heard on the basis of the available on record. Three days' time granted to the Applicant for filing rejoinder affidavit to the reply filed by RP. Rejoinder, if any, shall be filed within one day after filing of the reply by SRA.

List the matter on **08.12.2023** for arguments.

IA-5421/2023:-

This application has been filed with the following prayers:-

- a. "Issue directions to the Committee of Creditors of the Corporate Debtors to re-evaluate the Resolution Plan submitted by the Applicant in accordance with Section 30(2) of the Code and to put it for voting by the Committee of Creditors after confirming that the Resolution Plan submitted by the Applicant herein complies with Section 30(2) of the Code."

Heard Ld. Counsel appearing for the Applicant, Ld. Counsel appearing for the Resolution Professional and Ld. Counsel appearing for the SRA.

The parties are at liberty to file brief written submissions within one week.

List the matter for compliance on **14.12.2023**.

IA-5144/2023 IA-5145/2023:-

List on **14.12.2023**.

IA-5238/2023 IA-5125/2023 IA-4466/2023:-

List on **08.12.2023**.

Sd/-
(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)