

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

ITEM No301
IA/425(AHM)2022
in
CP(IB) 184 of 2018
Proceedings under Section Sec 30(6) r.w 31(1) r.w regulation 39(4) IBBI,2016

IN THE MATTER OF:

Avil Menezes Resolution Professional of AMW Motors Limited
V/s
Indian Overseas Bank

.....Applicant
.....Respondent

Order delivered on ..09/12/2022

Coram:

Dr.Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Resolution Applicant : Mr. Devang Nanavati, Sr. Adv. a/w. Mr. Monaal Davawala, Adv.
For the Resolution Professional : Mr. Bishwajit Dubey, Adv. & Ms. Jeta Shree, Adv. & Ms. Aishwarya Gupta, Adv.
I/b. Cyril Amarchand Mangaldas of AMW Motors Limited.
For the CoC : Mr. Dhruvad Vaghani, Adv. a/w. Mr. Ajiz M. K, Adv. & Mr. Rishabh Sethi, I/b. LEx Aeterna Practices for CoC of AMW Motors

CLARIFICATION

Learned Counsel for the RP undertakes to file affidavit clarifying the following queries raised by the Bench within two days.

- 1) As per para 11.12 of page 128 of IA 425/2022, the validity of the Resolution Plan is only up to 22nd August 2022 unless extended with prior consent of the successful resolution application. Whether such an extension has been approved by the Committee of Creditors with consent of the successful resolution applicant.
- 2) As per Serial No. 55 at page 11 and Para 63 at page 36, the receipt of PBG amount is not confirmed.

3) As per clause (C) of para 8.02.02, page 107, the approval of the Adjudicating Authority pursuant to Section 31 of the Code shall constitute adequate approval for the adoption of new constitutional documents and no further approval or consent shall be necessary. Reference may also be made to para 11.01 at page 126. In this connection it is noted that the amendments to the constitutional documents are not enclosed with the Application for approval of Resolution Plan (IA 425/2022). Also, the statutory provisions under which such assertion is made are not specified.

The order is already reserved.

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**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

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**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**