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Series 2019/4

Indian Institute of Insolvency Professionals of ICAI (IIPI)

NCLAT CASES OF JULY, 2019

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
01	Mrs. Bela Juneja Vs. India Bulls Housing Finance Ltd. & Anr	Company Appeal (AT) Insolvency) No. 640 of 2019. (1st July,2019)	Section 7 of the I&B Code, 2016	The debt, is a NPA, is under challenge.	As the debt is payable and default has been committed, the AA has rightly admitted the application for insolvency. Hence, the appeal is dismissed. Click here for full judgement.
02	Mantena Engitech Pvt. Ltd. Vs. State Bank of India & Ors	Company Appeal (AT) Insolvency) No. 174 of 2019. (1st July,2019)	Section 33 of the I&B Code, 2016	Submission of Scheme of Insolvency	In view of the submission made by the 'Liquidator', no interference with the 'order of liquidation' passed by NCLT is called for. Click here for full judgement.
03	ICICI Bank Ltd. Vs. Jaiprakash Associates Ltd.	Company Appeal (AT) (Insolvency) No. 630 of 2019. (1st July,2019)	Section 7 of the I&B Code, 2016	Pendency of Application before NCLT	The appeal is not maintainable in absence of any order passed by the Adjudicating Authority as there is no cause of action. Click here for full judgement.

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04	M/s Gupshup Technology India Pvt. Ltd. Vs. M/s Zopsmart Technology Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 22 of 2019. 2nd July,2019)	Section 9 of the I&B Code, 2016	Absence of contract between the parties	There is no agreement reached between the parties, is not the ground for the AA to reject application. Hence, the order passed by AA is set aside and the case is remitted to AA for passing appropriate orders. Click here for full judgement.
05	Rotomac Global Private Limited, Vs. Deputy Director, Directorate of Enforcement	Company Appeal (AT) (Insolvency) No. 140 of 2019. (2nd July,2019)	Section 33 of the I&B Code, 2016	Attachment of the properties under 'Prevention of Money Laundering Act, 2002.	Section 14 of the Code' is not applicable in the instant case. Accordingly, the appeal is dismissed. Click here for full judgement.
06	Mr. Battula Anjaneyulu Vs. DBM Geotechnics & Constructions Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 261 of 2019. (2nd July,2019)	Section 9 of the I&B Code, 2016	Pre-existing disputes between the parties	As there is pre-existing dispute, no merit found in the appeal. As such, the appeal is dismissed Click here for full judgement.

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07	Vandana Garg Vs. Reliance Capital Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 603 of 2019. (2nd July,2019)	Section 12 of the I&B Code, 2016	To exclude the period for delay in appointment of 'Resolution Professional'	The period for delay in appointment of 'Resolution Professional' as well as pendency during which the application remained pending before AA is excluded for the purpose of counting of 180/270 days Click here for full judgement.
08	Peter Johnson John Vs M/s KEC International Limited	Company Appeal (AT) (Insolvency) No. 188 of 2019. (3rd July,2019)	Section 9 of the I&B Code, 2016	Pre-existing disputes between the parties	There exists no scope for interference with the order passed by the AA. The appeal being devoid of merit stands dismissed. Click here for full judgement.
09	1. Milind Dixit, 2. Prashant Puppal, Vs 1. M/s Elecon Engineering Company Ltd. 2. Invent Assets Securitization and Reconstruction Pvt. Ltd 3. Saraswat Co- operative Bank, 4. R. L. Mogra, Interim Resolution Professional 5. Vipul Choksi, Substituted Resolution Professional, 6. Rajat Mukherjee, Liquidator	Company Appeal (AT) (Insolvency) No. 500 of 2019. (3rd July,2019)	-Section 33 of the I&B Code, 2016	Irregularity in appointment of Resolution Professional, collusion between the Resolution Professional and the CoCs.	There is no ground for interference with the order of liquidation. However, the AA landed in error in directing that the liquidation order shall be deemed as a notice of discharge to the officers/ employees and workmen of the 'CD'. The direction is accordingly set aside. Click here for full judgement.

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10	Mr. Mahender Kumar Khandelwal, Resolution Professional of M/s. Educomp Solutions Limited	Company Appeal (AT) (Insolvency) No. 664 of 2018. (7th March,2019)	--	Reservation of orders by AA	As the AA has since heard the matter and reserved its order, no interfere with the order passed in C.A is called for. Click here for full judgement.
11	Mr. Anand Ramachandra Bhat Vs Falcon Tyres Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 621 of 2019. (4th July,2019)	Section 61(2) of the I&B Code, 2016	1.Inadequacy of fee 2.Condonation of delay	The fee fixed by AA is reasonable. Hence, no interference with orders passed by AA is called for. 2. The appeal is dismissed as it is filed beyond 15 days after the expiry of the period of 30 days of the order passed by AA. Click here for full judgement.
12	Saravana Global Holdings Ltd. & Anr. Vs. Bafna Pharmaceuticals Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 203 of 2019 (4th July,2019)	Sections 9 & 29A of the I&B Code, 2016	"Resolution Plan" approved by the CoCs contravene provisions of the law.	As the 'Resolution Applicant' is the promoter of 'CD', MSME, it is open to the CoCs, to defer the process of issuance of 'Information Memorandum' provided promoter offers a viable and feasible 'Resolution Plan'. 2. Further, one of the directors of the Appellant has been declared NPA. As such, no opportunity to be given to the Appellant to file its offer. The appeal is, accordingly, dismissed. Click here for full judgement.

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13	Tapan Basu Roy Vs Blue Star Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 127 of 2019. (4th July,2019)	Section 9 of the I&B Code,2016	Settlement of matter	As the matter has been settled prior to constitution of CoCs the order passed by the AA is set aside. Click here for full judgement.
14	State Bank of India Vs Videocon Industries Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 658 of 2019. (4th July,2019) .	--	Delay in delivery of judgement by AA	The AA is directed to pronounce its judgment in the case on an early date preferably within three weeks Click here for full judgement.
15	Alliance Projects Vs RP of Ind-Barath Power (Madras) Ltd.	Company Appeal (AT) (Insolvency) No. 687 of 2019. (5th July,2019)	Section 33 of the I&B Code, 2016	Non consideration of 'Resolution Plan'	As the 'original & revised plan' submitted by the Appellant was rejected by the 'CoCs' being not viable & feasible and more than 270 days have passed, the AA had no other option but to pass order of liquidation. Click here for full judgement.

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16	National Spot Exchange Ltd. Vs Mr. Anil Kohli RP of Dunar Foods Ltd.	Company Appeal (AT) (Insolvency) No. 683 of 2019. (5th July,2019)	Section 61(2) of the I&B Code, 2016	Rejection of Claim	The appeal is dismissed being barred by limitation. Click here for full judgement.
17	C. Konguvel & Anr. Vs Mr. K. Gopinath & Anr.	Interlocutory Application No.2104 of 2019 in Company Appeal (AT) (Insolvency) No. 278 of 2019. (5th July,2019)	Section 7 of the I&B Code, 2016	Settlement of matter	As the parties have reached settlement prior to the constitution of 'CoCs' the prayer to withdraw application is allowed and the order passed by the AA is set aside. Click here for full judgement..
18	Raymond Construction Co. India Pvt. Ltd.Vs Larsen and Toubro Ltd.	Company Appeal (AT) (Insolvency) No. 668 of 2019. (5th July,2019)	Section 9 of the I&B Code, 2016	Pre-existence of dispute.	Application filed for insolvency is not maintainable. No merit in the Appeal, which is accordingly dismissed. Click here for full judgement.

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19	R. Anil Bafna Vs Madhu Desikan & Ors.	Company Appeal (AT) (Insolvency) No. 757 of 2018. (5th July,2019)	Section 33 of the I&B Code, 2016	Non-consideration of 'Resolution Plan'	As even the revised 'Resolution Plan' is also not viable and feasible, no interference with order passed by AA is called for. Click here for full judgement.
20	M/s ICICI Bank Ltd. Vs Mr. Gopalsamy Ganesh Babu, Insolvency Professional	Company Appeal (AT) (Insolvency) No. 655 of 2019 (5th July,2019)	Sections 31 & 32 of the I&B Code, 2016	Admission of Claim after approval of the 'Resolution Plan'	As the claim was neither rejected by AA nor by this Appellate Authority, the Appellant may pursue the suit pending before the Subordinate Court in the light of section 60(6) of the Code.. Click here for full judgement.
21	Arunava Sikdar, Resolution Professional Jaipur Metals & Electricals Limited Vs Sanjeev Saxena & Ors.	Company Appeal (AT) (Insolvency) No. 682 of 2019 (5th July,2019)	Section 25 of the I&B Code, 2016	Non hand over of the assets and control of the 'CD'	The appellant is to implead the Chief Secretary of the Govt. of Rajasthan and concerned Secretary of the Department of Rajasthan as party Respondent to appear before the AA to pass appropriate order. Click here for full judgement.

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22	Mr. Gaurav Vasudeva Vs Mr. Reetesh Kumar Agarwal	Company Appeal (AT) (Insolvency) No. 665 of 2019 (4th July,2019)	Section 68 of the I&B Code, 2016	Non-furnishing of information sought	As the appellant is supposed to furnish the information as sought for, there is no reason to interfere with the order of the AA. Hence, the appeal is dismissed. Click here for full judgement.
23	SREI Infrastructure Finance Ltd. Vs Amrit Jal Ventures Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 778 of 2018. (8th July,2019)	Section 7 of the I&B Code, 2016	Dismissal of application to initiate insolvency proceedings.	As pursuant to another application insolvency proceedings have been initiated against the 'CD', the Appellant may file its claim before the 'Resolution Professional'. Click here for full judgement.
24	Winsome Yarns Ltd. Vs Ginni Filaments Ltd.	Company Appeal (AT) (Insolvency) No. 109 of 2019. (8th July,2019)	Section 9 of the I&B Code, 2016	Settlement of matter	In view of the settlement of matter, the appeal has become infructuous. Click here for full judgement.

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25	Anil Kumar Jain Vs Vardhman Roller Flour Mills Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 690 of 2019 (8th July,2019)	Section 9 of the I&B Code, 2016	Non-supply of goods/ services to the 'CD'	The AA rightly rejected the application as joint application as a 'FC' is not maintainable. Click here for full judgement.
26	CA Kannan Tiruvengadam, R.P. of BRG Iron & Steel Co. Pvt. Ltd. Vs Deputy Commissioner, Special Disposal Cell (Port), Custom	Company Appeal (AT) (Insolvency) No. 691 of 2019 (8th July,2019)	Section 25 of the I&B Code, 2016	Non-disposal of the goods in the custody of respondent	As the matter is pending before AA, no opinion is being expressed. However, it is expected that the respondent will not sell/alienate the property to make the interim application infructuous. Click here for full judgement.
27	Atul Kumar Kansal Vs Nova Realtors Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) Nos. 692 &693 of 2019 (8th July,2019)	Section 25 of the I&B Code, 2016	Non-creation of rights over the property.	No interference with the order passed by AA is called for. Click here for full judgement.

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28	Manjeet Singh Chawla Vs Next Door Learning Solutions (P) Ltd	Company Appeal (AT) (INS) No.504 of 2019. (9th July,2019)	Section 9 of the I&B Code, 2016	To set aside or reduce the cost imposed.	Appellant is given time to deposit costs and the original proceedings, if the same have been treated as dismissed, shall stand restored to the file of AA. Click here for full judgement.
29	State of Odisha Vs M/s. Bhushan Steel Ltd. & Anr.	Interlocutory Application No.2129 of 2019 with Company Appeal (AT) (Insolvency) No. 695 of 2019. (9th July,2019)	Section 61(2) of the I&B Code, 2016	Condonation of delay	Condonation of delay Click here for full judgement.
30	Mr. Koshy Varghese Vs. Mr. John Varghese & Anr.	Company Appeal (AT) (Insolvency) No. 696 of 2019. (10th July,2019)	Section 7 of the I&B Code, 2016	Withdrawal of application for initiation of insolvency proceedings.	The appeal is dismissed being barred by limitation. Click here for full judgement.

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31	Mr. Nakul Bharana Vs ICICI Bank Ltd.	Company Appeal (AT) (Insolvency) No. 701 of 2019 (10th July,2019)	Section 7 of the I&B Code, 2016	Failure to pay the debt and existence of default.	As there is a debt & default and the application filed by the 'Financial Creditor' was complete, no infirmity found in the order of admission of insolvency application. Click here for full judgement.
32	Mr. Dinesh Goyal Vs. DCB Bank Ltd.	Company Appeal (AT) (Insolvency) No. 702 of 2019. (10th July,2019)	Section 7 of the I&B Code, 2016	Review or recall of the order as the 'CD' had not received the notice.	As the notice was issued by AA and there is debt and default, no interference in the order passed by AA is called for. However, only the part of order imposing cost is set aside. Click here for full judgement.
33	Universal Solutions of America LLC. Vs. The Travancore Cements Ltd	Company Appeal (AT)(Ins) No. 704 of 2019. (10th July,2019)	Section 9 of the I&B Code, 2016	'Existence of dispute'	As there was an 'existence of dispute', no interference with the order passed by AA is called for.. Click here for full judgement.

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34	Housing Development Finance Corporation Ltd, Vs. RHC Holding Private Ltd,	Company Appeal (At) (Insolvency) No.26 Of 2019. (10th July,2019)	Section 7 of the I&B Code, 2016	Non-banking financial institution rendering 'financial service' is out of the purview of the Code.	The Adjudicating Authority rightly rejected the insolvency application. Click here for full judgement.
35	Soundararajan Ramachandran Vs. T4 Texultants Pvt. Ltd.	Company Appeal (AT) (Ins) No. 522 of 2019. (11th July,2019)	Section 9 of the I&B Code, 2016	1. 'Pre-existing dispute'. 2. Settlement of matter	Since, on settlement of matter, the AA has recalled its order, the appeal has become infructuous. Click here for full judgement.
36	Ajay Kumar Vs Shree Sai Industries Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 616 of 2019. (11th July,2019)	Sections 9 & 33 of the I&B Code, 2016	Pre-mature order for Liquidation,	The AA, without considering all the relative issues, passed the liquidation order, prematurely. As such, the order passed is set aside and the case is remitted back to AA to pass appropriate order. Click here for full judgement.

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37	Insolvency and Bankruptcy Board of India (IBBI) Vs. Shri Rishi Prakash Vats &	Company Appeal (AT) (Insolvency) No. 324 of 2019. (11th July,2019)	--	Quashing the disciplinary proceedings	The last portion of the order passed by AA relating to quashing of all disciplinary proceedings is set aside as once a disciplinary proceeding is initiated by IBBI, the final order is required to be passed by the IBBI. The matter is remitted to IBBI to pass appropriate order. Click here for full judgement.
38	M/s Krystal Integrated Services Pvt. Ltd. Vs. M/s Indiaontime Express Private Limited	Company Appeal (AT) (Insolvency) No. 194 of 2019. (12th July,2019)	Section 9 of the I&B Code,2016	1. No evidence to prove the claim which prima facie barred by limitation. 2. Non- service of Demand Notice.	The appeal is dismissed though only for reasons of non-compliance with the procedural requirements. 2. The order of AA as regards findings on admissibility, sustainability and proof of claim cannot be supported and is set aside. Click here for full judgement.
39	Navin Heavy Lifter & Anr Vs Canbuild Precast Solutions Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 649 of 2019. (12th July,2019)	Section12A of the I&B Code, 2016	Settlement of matter	The settlement of matter is accepted and insolvency application filed is dismissed as withdrawn. Accordingly, the order passed by AA is set aside. Click here for full judgement.

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40	State Bank of India Vs. Sri Lakshmikantha Spinners Ltd	Company Appeal (AT) (Insolvency) No. 718 of 2019. (16th July,2019)	Section 7 of the I&B Code, 2016	Delay in passing orders on the Insolvency Petition.	The AA is directed to pass appropriate order within four weeks. Click here for full judgement.
41	Dinesh Kishinchandgajria Vs. Kanan Graphics Pvt. Ltd. & Anr	Company Appeal (AT) (Ins) No. 643 of 2019. (16th July,2019)	Section 9 of the I&B Code, 2016	'Pre-existing dispute'	Settlement of matter prior to the constitution of the 'Committee of Creditors' is allowed. Accordingly, the order of AA is set aside. Click here for full judgement.
42	M/s. Good Luck Traders Vs M/s. Valley Iron & Steel Co. Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 81 of 2019. (17th July,2019)	Section 9 of the I&B Code, 2016	Claim is barred by limitation.	The ground of delay wrongly shown by the AA for rejecting insolvency petition. As such, the order passed by AA is set aside. The case is remitted to AA to pass order. Click here for full judgement.
43	ASREC (India) Ltd. Vs. Divyesh Desai	Company Appeal (AT) (Insolvency) No. 528-529 of 2019. (17th July,2019)	Regulation 31(3) of the Liquidation Process Regulations, 2016	Imposition of cost on account of late filling of claim	As it is not a fit case for any cost on the Appellant, the last Para of the order passed by AA regarding imposition of cost on Appellant is set-aside. Click here for full judgement.

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44	Kaushik Ghosh Vs. Noor Alam & Ors	Company Appeal (AT) (Insolvency) No. 144 of 2019. (17th July,2019)	Section 12 A of the I&B Code, 2016	Settlement of claim/matter.	Appellant is allowed to withdraw the application to pursue the matter before the AA. Click here for full judgement.
45	Arokiasamy Joseb Raj Vs. Pathukasahasram Raghunathan Raman & Ors.	Company Appeal (AT) (Insolvency) Nos. 116 & 117 of 2019 (17th July,2019)	Section 33 of the I&B Code, 2016	Infirmities and irregularities in 'CIRP'	No interference with the order passed by AA is called for as in the absence of any viable/feasible 'RP', the AA has no option but to pass order for Liquidation. Click here for full judgement.
46	NUI Pulp and Paper Industries Pvt. Ltd. Vs. M/s. Roxcel Trading GMBH	Company Appeal (AT) (Insolvency) No. 664 of 2019. (17th July,2019)	Section 9 of the I&B Code, 2016	The 'CD' is restrained from alienating, encumbering or creating any third party interest on assets of Company.	On-going through the details of the case, interference with the order passed by the 'CD' is not called for.. Click here for full judgement.
47	First Step Ventures Ltd. Vs. Frontier Lifeline Pvt. Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 720 of 2019. (17th July,2019)	Section 12 of the I&B Code, 2016	Non-exclusion of period of 43 from CIRP period of 270 days.	The AA has rightly rejected the application for extension of certain period for 'CIRP'. Click here for full judgement.

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48	J.M. Financial Asset Reconstruction Company Limited Vs. G. Madhusudhan Rao	Company Appeal (AT) (Insolvency) No. 663 of 2019. (18th July,2019)	Sections 12 of the I&B Code, 2016	Non-exclusion of certain period from 'Corporate Insolvency Resolution Process' of 270 days.	As no ground made out to exclude any period for completion of the 'resolution processes' and 270 days have already been passed, the AA had no option but to pass order of liquidation. Click here for full judgement.
49	Mr. Suresh Narayan Singh Vs. Tayo Rolls Limited	Company Appeal (AT) (Insolvency) No. 561 of 2019. (18th July,2019)	Sections 9 & 61 of the I&B Code, 2016	Challenging admission of insolvency petition filed by Appellant himself.	The appeal is not maintainable under Section 61, as Appellant is not an aggrieved person. Click here for full judgement.
50	M/s. Smartron Indian Private Limited Vs. M/s. ZTE Corporation	Company Appeal (AT) (Insolvency) No. 733 of 2019. (18th July,2019)	Section 9 of the I&B Code, 2016	Permission to file sur-rejoinder/ additional counter and additional documents	As the AA has already heard the case and reserved the order, it is expected that the AA will pass appropriate order at an early date. Click here for full judgement.
51	Power Grid Corporation of India Vs. Deepak Cables (India) Limited	Company Appeal (AT) (Insolvency) Nos. 284,297,310 & 348 of 2019. (18th July,2019)	Section 33 of the I&B Code, 2016	Appellant is not an 'Operational Creditor'.	As order of liquidation has already been passed, no decision is called for on the claim of the Appellant at this stage. Click here for full judgement.

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52	Union Bank of India & Ors. Vs. Mr. Shashi Kan Nemani, Appointed Liquidator of Vedika Nut Crafts Pvt. Ltd. (in liquidation) & Ors	Company Appeal (AT) (Insolvency) No. 631 of 2019. (19th July, 2019)	Section 33 of the I&B Code, 2016	Payment of the 'fee or cost' of Liquidation.	Order passed by AA is set aside and the case is remitted to the AA for passing fresh order for payment of fee and cost of the 'Liquidator' in terms of the provisions of the 'Code'. Click here for full judgement.
53	Jaswinder Singh Ahuja & Anr. Vs Sunshine Tradetower Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 735 of 2019. (19th July, 2019)	Section 5(8) of the I&B Code, 2016	1. Appellant is not a 'FC'. 2. Stay of proceedings by Hon'ble Supreme Court	As the 'CIRP' has been stayed against the 'CD', no interference is called for in the order passed by AA. Click here for full judgement.
54	M/s. JDA Consultancy Services Pvt. Ltd. Vs M/s. Asset Reconstruction Company (India) Ltd. & Ors.	Company Appeal (AT) (Insolvency) Nos. 260 & 514 of 2019 (22nd July, 2019)	Section 21 of the I&B Code, 2016	'Assignee' of the 'related party' cannot be Member of the 'Co Cs'	As more than 270 days have lapsed, the issue can not to be decided in the present Appeals. The AA may pass appropriate order in accordance with the law. Click here for full judgement.
55	Mr. Arvind Garg Liquidator of Moser Baer Solar Limited Vs. Committee of Creditors	Company Appeal (AT) (Insolvency) No. 662 of 2019. (23rd July, 2019)	Section 33 of the I&B Code, 2016	Deferment of passing of order of liquidation..	No illegality found in the order passed by AA. The appeal stands disposed of, accordingly. Click here for full judgement.

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56	Ahluwalia Contracts (India) Limited Vs. Raheja Developers Limited	Company Appeal (AT) (Insolvency) No. 703 of 2018. (23rd July,2019)	Section 9 of the I&B Code, 2016	Pre - existence of dispute	As there was no pre-existing of dispute and record being complete, the order passed by AA is set aside. The case is remitted to AA for admitting the application. Click here for full judgement.
57	Asset Reconstruction Company (India) Ltd. Vs. R. Venkatakrishnan & Anr.	Company Appeal (AT) (Insolvency) Nos. 232 & 233 of 2019. (23rd July,2019)	Section 31 of the I&B Code, 2016	Supply of essential goods during the 'CIRP'	As the 'Resolution Plan' was already approved, it was not open for AA to pass order subsequently to release the amount favouring Electricity Board. Therefore, the order passed by AA to release the amount is set aside. Click here for full judgement.
58	Suraksha Asset Reconstruction Pvt. Ltd. Vs. Jindal Steel and Power Limited & Anr.	Company Appeal (AT) (Insolvency) No. 322 & 255 of 2019. (23rd July,2019)	Section 7 of the I&B Code, 2016	Respondent do not come within the meaning of 'Financial Creditor'	As the Respondent fall within the category of 'Financial Creditor', the AA has rightly admitted the insolvency petition. Therefore, the appeal filed is dismissed. Click here for full judgement.

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59	Pedersen Consultants India Pvt. Ltd. Vs. Nitesh Estates Limited	Company Appeal (AT) (Insolvency) No. 720 of 2018. (24th July,2019)	Section 9 of the I&B Code, 2016	Pre - existence of dispute.	<p>As there is no record to suggest pre-existence of dispute, it was not open for AA to reject insolvency petition.</p> <p>As such, order passed by AA is set-aside and case is remitted to AA for admission.</p> <p>Click here for full judgement.</p>
60	Kinjal Enterprises Vs. Kamla Real Estate Hub Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 280 of 2019. (24th July,2019)	Section 33 of the I&B Code, 2016	Transactions carried out after the pronouncement of the IRP	<p>Since the post-dated cheques have been handed over to the Liquidator, appeal stands disposed of with direction to the Appellant to comply with the 'Consent Terms of Settlement'.</p> <p>Click here for full judgement.</p>
61	Ramchandra D. Choudhary, Resolution Professional Vs. Committee of Creditors of Maharashtra Shetkari Sugar Limited	Company Appeal (AT) (Insolvency) No. 633 of 2019. (24th July,2019)	Sections 12 of the I&B Code, 2016	Exclusion of 145 days to count the total period of 'CIRP'	<p>The AA order is set aside. Further, exclusion of 90 instead of 145 days is allowed for the purpose of counting the period of 'CIRP' of 270 days.</p> <p>Click here for full judgement.</p>

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62	Technochem Distributors Vs. Sura Leathers Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 472 of 2019. (24th July,2019)	Section 9 of the I&B Code, 2016	Rejection of application for initiation of Insolvency Proceedings.	As Insolvency proceedings have already commenced at the instance of other 'OC', no further order is required to be passed. Accordingly, the Appellant may file claim before the 'IRP'. Click here for full judgement.
63	Mr. M. Srinivas Vs. Smt. Ramanathan Bhuvaneshwari, RP And 8 others.	Company Appeal (AT) (Insolvency) No. 498 of 2019. (24th July,2019)	Section 66 of the I&B Code, 2016.	AA has no jurisdiction to pass order u/s 213 of the Companies Act.	'AA' which is the 'NCLTI' has dual and interwoven role and power to pass order under Section 213 of the Companies Act, 2013'. Click here for full judgement.
64	M/s Pragat Akshay Urja Ltd. Vs. M/s Madhya Pradesh Urja Vikas Nigam Ltd	Company Appeal (AT) (Insolvency) No. 753 of 2019. ((25th July,2019)	Section 9 of the I &B Code, 2016.	Pre-existing dispute.	On-going through records, no relief can be granted. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
65	M/s GupShup Technology India Pvt. Ltd. Vs. M/s Interpid Online Retail Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 23 of 2019. (25th July,2019)	Section 9 of the I & B Code, 2016.	1.Existence of bona fide dispute 2. Claim is barred by limitation	The order passed by AA is set aside, as there is no pre-existing dispute and also the claim is not barred by limitation. The case is remitted to AA to pass appropriate order. Click here for full judgement.
66	International Asset Reconstruction Company Pvt. Ltd. Vs. The Administrator of the Specified Undertaking of the Unit Trust of India (SUUTI) & Ors.	Company Appeal (AT) (Insolvency) No. 763 of 2019. (26th July,2019)	Section 65(5) of the I&B Code, 2016.	Admission of application of claim after approval of the Plan by the 'CoC'	The AA has rightly admitted the claim. Hence, no interference is called for with the order passed by AA. Click here for full judgement.
67	Kannan Tiruvengandam Vs. M. K. Shah Exports Ltd. & Ors.	Company Appeal (AT) (Insolvency) No 203 of 2018. (26th July,2019)	Section 7 of the I&B Code, 2016	Relaxation in the eligibility criteria regarding requirement of minimum tangible net worth.	AA has no jurisdiction to sit in appeal over the decision of expert bodies relating to eligibility criteria. Accordingly, order of the AA is set aside. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
68	Sh. Sunil Choudhary Vs. Hubergroup India Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 452 of 2019. (29th July,2019)	Section 9 of the I&B Code, 2016.	Settlement of matter	As the matter stands settled prior to constitution of 'CoC', the 'Operational Creditor' is allowed to withdraw his application. Click here for full judgement.
69	M/s. IL & FS Financial Services Ltd. Vs. M/s. Parsvnath Developers Ltd	Company Appeal (AT) (Insolvency) No. 767 of 2019. (29th July,2019)	Section 7 of the I&B Code, 2016	Staying of proceedings before NCLT by Hon'ble Supreme Court.	In view of order of stay passed by Hon'ble Supreme Court, the AA cannot proceed with the matter. However, the Appellant may move before the Hon'ble Supreme Court for appropriate clarification. Click here for full judgement.
70	IDBI Bank Ltd., Vs. Mr. Anuj Jain Interim Resolution Professional, Jaypee Infratech Ltd. & Anr.	Company Appeal (AT) (Ins) No. 536 of 2019 with I.A. No. 1857 of 2019 & 708 of 2019. (30th July,2019)	Section 7 of the I&B Code, 2016	Exclusion of certain period (260 days) for the purpose of counting the total period of 270 days	A period of 90 days is allowed to be excluded for purpose of counting the period of 270 days of 'CIRP'. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
71	Kuber Enterprises Vs Gammon India Ltd.	Company Appeal (AT) (Insolvency) No. 768 of 2019. (30th July,2019)	Section 9 of the I&B Code, 2016	Failure to comply with 'Terms of the Agreement'.	Since the appeal has been filed much beyond the delay of 15 days, the delay cannot be condoned. Click here for full judgement.
72	M/s Venus Cotsyn (India) Ltd. Vs. M/s G.L. Jain Button Store Pvt. Ltd	Company Appeal (AT) (Insolvency) No.112 of 2019 (30th July,2019)	Section 9 of the I&B Code, 2016	Pre-existing dispute	As there is pre-existing of dispute, no interference with the order passed by AA is called for. The appeal is dismissed. Click here for full judgement.
73	Sunil Kumar Aggarwal Vs New Okhla Industrial Development Authority & Ors	Company Appeal (AT) (Insolvency) No. 775 of 2019 (31st July,2019)	Section 18 of the I&B Code, 201	To examine the claim of the respondent.	No final decision has been taken on the claim submitted by NOIDA by 'Resolution Professional', as directed by AA in their order. Hence, no opinion is being expressed in the matter. Click here for full judgement.
74	Kautilya Industries Pvt. Ltd. Vs. Parasrampuriya Synthetic Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 282 of 2019 (31st July,2019)	Section 33(2) of the I&B Code, 2016	Exclusion of certain period for the purpose of counting the total period of 270 days	There is no case made out for exclusion of any the period for the purpose of counting 270 days. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
75	Tanya Bhatnagar Vs. Mohamed Hesham Amin Basha Mashaa'l & Anr.	Company Appeal (AT) (Insolvency) No. 149 of 2019 (31st July,2019)	Section 9 of the I&B Code, 2016	There is no arrangement/ agreement between the 'OC' and 'CD'.	<p>In the absence of any relationship between the 'OC' and 'CD', the insolvency petition is not maintainable. Therefore, the order of AA is set aside.</p> <p>2. The AA is to decide whether any order is required against 'OC' u/s 65 of the Code.</p> <p>Click here for full judgement.</p>
76	Srei Infrastructure Finance Ltd. Vs. Sundresh Bhatt, Resolution Professional Sterling Biotech Ltd	Company Appeal (AT) (Insolvency) No. 781 of 2018. (31st July,2019)	Sections 25& 60(5) of the I&B Code, 2016	Returning of physical possession of immovable properties belonging to 'CD'	<p>The AA has rightly passed the order.</p> <p>Click here for full judgement.</p>
77	Kishan Lal Sharma Vs. Vikram Bajaj	Company Appeal (AT) (Insolvency) No. 777 of 2019. (31st July,2019)	Section 45 of the I&B Code, 2016	Closure of Appellant right to file reply affidavit.	<p>The Appellant is allowed to file reply-affidavit by 9th Aug, 2019. In case no reply is received by then, the AA to proceed further on the basis of available records.</p> <p>Click here for full judgement.</p>

NCLAT CASES OF AUGUST, 2019

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
01	Axis Bank Ltd. Vs. Anuj Jain, Resolution Professional for Jaypee Infratech Ltd.	Company Appeal (AT) (Insolvency) Nos. 243, 244, 245, 249, 276, 301, 331, 343, 348, 349, 353, 370, 374, 376, 411, 424, 436, 458, 492, 511, 524 of 2018. (1st August, 2019)	Sections 43, 45, 60(5) & 66 of the I&B Code, 2016.	Transactions made are 'preferential/ undervalued transaction' and 'fraudulent.	The AA wrongly held that transactions made by 'CD' are 'preferential/'undervalued and 'fraudulent transactions' Therefore, order passed by AA cannot be upheld and is set aside. Click here for full judgement.
02	R. Arumugasamy Vs United Bank of India & Anr	Company Appeal (AT) (Insolvency) No. 506 of 2019. (1st August, 2019)	Section 7 of the I&B Code, 2016	Admission of Insolvency petition without taking counter-statement of the Appellant.	There is no reason to interfere with the order passed by AA. Appeal is dismissed with costs of Rs.1.00 lakh. Click here for full judgement.
03	M/s. Next Education India Pvt. Ltd. Vs. M/s. K12 Techno Services Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 98 of 2019. (1st August, 2019)	Section 9 of the I&B Code, 2016.	'Existence of dispute'.	As there is no pre-existence of dispute, the order of AA is set aside and the case is remitted to AA for admission of application. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
04	Lakshmi Energy & Foods Ltd. Vs. ICICI Bank Ltd.	Company Appeal (AT) (Insolvency) No.784 of 2019 (2nd August,2019)	Section 7 of the I&B Code, 2016	Prayer to seek adjournment of matter.	As hearing has already been concluded and order reserved, no interference with the order passed by AA is called for. Click here for full judgement.
05	Ilam Chand Kamboj Vs. M/s ANG Industries Ltd.	Company Appeal (AT) (Insolvency) No. 253 of 2019 And I.A. No. 995 of 2019. (2nd August,2019)	Section 31 of the I&B Code, 2016	Strictures/adverse observations against the 'Resolution Professional'	Since the matter has been taken cognizance by 'IBBI', no opinion is expressed on the merit of observations. The 'IBBI' is not to treat observations of AA as final decision and decide the case on its merit. Click here for full judgement.
06	Mr. Abhishek Jaiswal Vs. M/s Raj Process Equipments & Systems Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 316 of 2019. (2nd August,2019)	Section 9 of the I&B Code, 2016.	Settlement of matter	As the settlement has reached between 'OC' & 'CD', the application filed by 'OC' is disposed of as withdrawn. Click here for full judgement.
07	Ish Anand Vs. Northern Freight Carriers & Anr	Company Appeal (AT) (Ins) No.774 of 2019. (5th August,2019)	Section 9 of the I&B Code, 2016.	Settlement of matter	As the matter is settled and COC is yet to be constituted, the Respondent is permitted to withdraw the Application. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
08	S. Vijayalakshmi Vs M. Murugesan (RP)	Company Appeal(AT) (Insolvency) No. 792 of 2019. (5th August,2019)	Section 33 of the I&B Code, 2016	Non-acceptance of Resolution Plan by 'CoC'	The 'Liquidator' is allowed to proceed in accordance with law. Click here for full judgement.
09	R.S. Cottmark (India) Pvt. Ltd. Vs. Rajvir Industries Ltd.	Company Appeals (AT) (Insolvency) No. 653 & 654 of 2018. (5th August,2019)	Section 9 of the I&B Code, 2016.	Pre-existence of dispute.	The AA rightly rejected the petitions. As such, the appeals are dismissed. Click here for full judgement.
10	Jagan Pampapathy, Vs Wipro Limited	Company Appeal (AT) (Ins) Nos.155, 157 & 158 of 2019. (6th August,2019)	Section 9 of the I&B Code, 2016.	Pre-existence of dispute	As there is no substance in the Appeals, these are dismissed. Click here for full judgement.
11	Sukaram Marketing Ltd. Vs. Sunrise TSR Factory & Anr	Company Appeal No. (AT) (Insolvency) No. 77 of 2019. (6th August,2019)	Section 9 of the I&B Code, 2016.	Settlement of claim.	In the absence of any illegality, no inference with the order passed by AA is called for. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
12	Punjab National Bank Vs Mr. Kirah Shah, IRP of ORG Informatics Ltd	Company Appeal (AT) (Insolvency) No. 749 of 2019. (6th August,2019)	Section 22 of the I&B Code, 2016.	Removal of 'Resolution Professional' by 'CoC'.	As the 'CoCs' with majority voting share decided to replace 'Insolvency Professional', he cannot function as 'RP'. Therefore, the order passed by AA is set-aside. Click here for full judgement.
13	Quantum Coal Energy Pvt. Ltd. Vs. M/s. Danalakshmi Paper Mills Pvt. Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 540 of 2019. (6th August,2019)	Sections 29 A & 31 of the I&B Code, 2016	"Resolution Applicant" being related party is ineligible to submit 'Resolution Plan'	It is observed that the "Resolution Applicant" cannot be held ineligible as on date of submission of Resolution Plan. No merit in the appeal, hence, dismissed. Click here for full judgement.
14	Shobhnath & Ors. Vs. Prism Industrial Complex Ltd	Company Appeal (AT) (Insolvency) No. 557 of 2018. (6th August,2019)	Section 7 of the I&B Code, 2016	Fraudulent or malicious initiation of proceedings	There is nothing on record to suggest that the Appellant filed application fraudulently with malicious intention for initiation of 'CIRP'. Hence, the order passed by AA is set-aside and the case is remitted to AA for admission of application. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
15	Pleasant Valley Development Pvt. Ltd. Vs. M/s. Wall Street Lounge Bar Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 798 of 2019. (6th August,2019)	Section 9 of the I&B Code, 2016	'Pre-existence of dispute'	It is clear that there is a 'pre-existence of dispute'. As such, the AA rightly rejected the application. The appeal stands dismissed. Click here for full judgement.
16	Pleasant Valley Development Pvt. Ltd. Vs M/s. Spain Hospitality Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 799 of 2019. (6th August,2019)	Section 9 of the I&B Code, 2016	'Pre-existence of dispute'	It is clear that there is a 'pre-existence of dispute'. As such, the AA rightly rejected the application. No merit in appeal and accordingly dismissed. Click here for full judgement.
17	Avasarala Venkateshwra Rao Vs. M/s. Servomax India Pvt. Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 252 of 2019. (6th August,2019)	Section 33 of the I&B Code, 2016	Non-considering the 'Resolution Plan'	As none of the 'Plan' submitted was found viable & feasible and a period of 270 days has since passed, no interference with the order of AA is called for. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
18	Mr. Dhirendra Kumar Vs. M/s Randstand India Pvt. Ltd. & Anr.	Interlocutory Application No.2390 of 2019 With Company Appeal (AT) (Insolvency) No. 751 of 2019. (7th August,2019)	Section 9 of the I&B Code, 2016	Condonation of delay	No provision to condone of delay of 360 days. Hence, the appeal is dismissed being barred by limitation. Click here for full judgement.
19	Bharat Heavy Electricals Ltd. Vs. Mr. Anil Goel Liquidator of Visa Power Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 802 of 2019. (7th August,2019)	Section 42 of the I&B Code, 2016	Not to sell the assets of the 'CD'.	The AA is directed to decide the appeal preferred on merit. Click here for full judgement.
20	South (India) Hotels Pvt. Ltd. Vs. Mr. Rajendran	Company Appeal (AT) (Insolvency) No.801 of 2019. (7th August,2019)	Sections 43 & 44 of the I&B Code, 2016	Not to create any third party charge over the shares pledged.	There no ground to interfere in the order of AA. Click here for full judgement.
21	Narender Sharma Vs. Vistar Construction Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 60 of 2019. (8th August,2019)	Section 9 of the I&B Code, 2016	'Pre-existence of dispute'.	As there is pre-existence of dispute, the AA rightly rejected the insolvency petition. The appeal is dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
22	Sushant Aneja & Ors. Vs Mr. Madhusudan Sharma R.P. for J.D. Aneja Edibles Pvt. Ltd. & Anr	Company Appeal (AT) (Insolvency) Nos. 812 & 813 of 2019. (8th August,2019)	Section 31 of the I&B Code, 2016	Suspected fraud committed by promoters.	In absence of any order of the Adjudicating Authority, no ground to interfere with the appeals is called for. Click here for full judgement.
23	Xionn Services Pvt. Ltd. Vs M/s. Aman Hospitality Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 810 of 2019. (8th August,2019)	Section 9 of the I&B Code, 2016	'Pre-existence of dispute'.	As there is pre-existence of dispute, the AA rightly rejected the insolvency petition. The appeal is dismissed. Click here for full judgement.
24	Mr. Thiagarajan Murugesan Vs G. Gunasekaran & Ors	Company Appeal (AT) (Insolvency) No. 809 of 2019. (8th August,2019)	Section 25 of the I&B Code, 2016	Provision of documents/ records to 'Resolution Professional'	Appellant to co-operate with the 'Resolution Professional'. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
25	M/s. Global Infonet Distribution Pvt. Ltd Vs. M/s. Tespa Infotech Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 185 of 2019. (8th August,2019)	Section 9 of the I&B Code, 2016	No debt is payable	As the AA arrived at the conclusion based on the records, no interference with the order passed is called for. However, the Appellant is allowed to move before the Appropriate Form for relief. Click here for full judgement.
26	K. Kuppusamy Vs. State Bank of India Anr. &	Company Appeal (AT) (Ins) Nos. 47 & 48 of 2018. (8th August,2019)	Sections 10 & 33 of the I&B Code, 2016	Failure to call for Resolution Plan by 'RP	Not inclined to grant further time for successful resolution and thereby no interference with the orders of AA called for. Click here for full judgement.
27	Shakebuddin Irtebatuddin Khan Vs. Qumruddin Faizi & Anr	Company Appeal(AT) (Insolvency) No. 209 of 2019. (8th August,2019)	Section 7 of the I&B Code, 2016	The Respondent is not a 'Financial Creditor'	As the AA has rightly admitted the insolvency petition, there is no need to interfere with order passed by the AA. Click here for full judgement.
28	IMECO Limited Vs. BEML Limited	Company Appeal (AT) (Insolvency) No. 801 of 2018. (9th August,2019)	Section 9 of the I&B Code, 2016	'pre-existing dispute'	Order of AA does not suffer from any legal infirmity or factual frailty. There is no merit in case, hence dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
29	Punjab National Bank Vs Mr. Kiran Shah, Interim Resolution Professional of ORG Informatics Limited	Company Appeal (AT) (Insolvency) No. 817 of 2019. (13thAugust,2019)	Sections 12 &31 of the I&B Code, 2016	Extension of period for CIRP beyond 180 days	As no order of 'Liquidation' has been passed, the matter is remitted to AA to pass order in accordance with law. Click here for full judgement.
30	Dada Dhuniwale Khandwa Power Limited, Liquidator, Vs Commissioner of Income Tax (Appeals) -1.	Company Appeal (AT) (Insolvency) No. 821 of 2019. (14thAugust,2019)	Section 60(5) of the I&B Code, 2016	Jurisdiction of the AA to direct the Comm. Of IT to decide the appeal.	As no such power is vested with AA to give any direction to any of the Authority under the IT Act, unconnected proceedings under Liquidation, no illegality in the order passed by AA observed. Click here for full judgement.
31	Sh. Romi Datta Vs. S. Gurumoorthy & Anr	Company Appeal (AT) (Insolvency) No. 94 of 2018. (14thAugust,2019)	Section 9 of the I&B Code, 2016	Absence of default of payment on the par of 'CD'.	In absence of any merit, the appeal is dismissed. Click here for full judgement..
32	M/s. Baba Jagta Shuttering Store Vs. PND Infrastructure Pvt. Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 793 of 2019. (16thAugust,2019)	Section 31 of the I&B Code, 2016	'Resolution Applicant' is barred u/s 29A of the 'Code' being a Director of the 'Corporate Debtor'.	As no case has been made out regarding the ineligibility of 'Resolution Applicant', the appeal filed is dismissed Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
33	IDBI Bank Ltd. Vs MBL Infrastructures Ltd. & Ors.	Company Appeal (AT) (Insolvency) Nos. 194, 225 & 235 of 2018 & 268 of 2019. (16thAugust,2019)	Section 31 of the I&B Code, 2016.	Challenge of approved 'RP' inter-alia on the following grounds: 1. 'Resolution Applicant' is ineligible u/s 29A (h). 2. Viability and feasibility of the 'resolution plan'	No merit in these appeals, hence, dismissed. Click here for full judgement.
34	Committee of Creditors of Amtek Auto Ltd. through Corporation Bank Vs. Mr. Dinkar T.Venkatasubramanian & Ors	Company Appeal (AT) (Insolvency) Nos.219, 442 & 443 of 2019. (16thAugust,2019)	Section 31 of the I&B Code, 2016.	Contravention of the terms and conditions of 'Resolution Plan' 2. Reinstate the 'CoC' 3. Grant of time to a fresh 'Resolution Plan'. 4. Initiation of proceedings against the 'Successful Resolution Applicant'	As more than 270 days have been completed and no case is made out to exclude any period, the AA has no other option but to pass order of liquidation. Click here for full judgement.
35	L&T Infrastructure Finance Company Ltd. Vs. 1.Gwalior Bypass Project Ltd., 2.ICICI Bank Limited	Company Appeal (AT) (Insolvency) No. 676 & 677 of 2019. (19thAugust,2019)	Section 7 of the I&B Code, 2016	Intervention for Impleadment as a party-Respondent.	On perusal of records, no relief can be granted to the appellant. As such appeals stand dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
36	Kotak Mahindra Bank Ltd. Vs. Amtek Auto Ltd. & Ors.	Company Appeal (AT) (Insol.) Nos.480, 531, 561, 612 & 613 of 2018. (19thAugust,2019)	Section 25 of the I&B Code, 2016	Rejection of the claim by 'Resolution Professional'	Since order for liquidation of 'Corporate Debtor' has been passed, the Appellants to file their claims before the liquidator. Click here for full judgement.
37	State Bank of India Vs. Moser Baer Karamchari Union & Anr	Company Appeal (AT) (Ins) Nos. 396 of 2019. (19thAugust,2019)	Section 53 of the I&B Code, 2016	Payment of the gratuity fund, provident fund and the pension fund.	The AA order that the provident fund, pension fund and the gratuity fund do not come within the meaning of 'liquidation estate' for the purpose of distribution of assets is correct. Hence no ground to interfere with the order of the AA. Click here for full judgement.
38	Bharat Petroresources Ltd. Vs Monnet Ispat & Energy Ltd. & Anr.	Company Appeal (AT) (Insolvency) Nos.550, 555, 562 & 802 of 2018 & 38 of 2019. (19thAugust,2019)	Section 31 of the I&B Code, 2016	1. Non acceptance of claim by 'Resolution Professional' 2. 'Resolution Plan' is unfair and discriminatory.	On perusal of records, it is observed that the interests of all stakeholders are balanced. Hence, the appeals are dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
39	Excel Metal Processors Limited Vs. Benteler Trading International GMBH and Anr	Company Appeal (AT) (Insolvency) No. 782 of 2019. (21stAugust,2019)	Section 9 of the I&B Code, 2016	Jurisdiction of the National Company Law Tribunal, Mumbai Bench	Since the Registered Office of the 'CD' is situated in Mumbai, the AA, Mumbai has the jurisdiction to entertain the insolvency petition. Click here for full judgement.
40	Mr. Ritesh Khandelwal Vs Dimension Data India Private Limited	Company Appeal (AT) (Insolvency) No. 778 of 2019 Interlocutory Application No.2493 of 2019. (21stAugust,2019)	Section 9 of the I&B Code, 2016	Settlement of the matter.	While accepting the settlement, the order passed by AA is set aside. The application preferred u/s 9 is disposed of as withdrawn. Click here for full judgement.
41	Ravindran Sivamani & Anr. Vs M/s Real Soya Enterprises & Ors	Company Appeal (AT) (Insolvency) No. 57 of 2019. (22ndAugust,2019)	Section 9 of the I&B Code, 2016	Non- Service of Demand Notice.	On perusal of records, it is evident that the Demand Notice was served on the 'CD'. However, it is observed that there is a pre- existence of dispute. As such, the order of AA is set aside. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
42	ICICI Bank Ltd. Vs. 1.Mr. Shailendra Ajmera, the Resolution Professional of Ruchi Soya Industries Limited 2.Committee of Creditors	Company Appeal (AT) (Insolvency) No. 370 of 2019. (22nd August, 2019)	Section 43 of the I&B Code, 2016	'Preferential transactions' and relevant time	As AA failed to notice that all the transactions were made on or after commencement of the 'CIRP' and that too in ordinary course of business, Order passed by AA is set aside and the appeal is allowed. Click here for full judgement.
43	Cane Development Council Vs. Oriental Bank of Commerce & Anr	Company Appeal (AT) (Ins) No.849 of 2019. (22nd August, 2019)	Section 7 of the I&B Code, 2016	To implead the Appellant and keep the proceedings pending.	The appeal preferred has no merit. Click here for full judgement.
44	Swasti Bhowmick Vs. Rediff.com India Ltd.	Company Appeal (AT) (Ins) No. 462 of 2019. (23rd August, 2019)	Section 9 of the I&B Code, 2016	Existence of dispute	The prayer of the Appellant, on receipt of the amount, to withdraw the appeal is allowed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
45	Friends Agencies Vs. M/s BIW Fabricators Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 856 of 2019. (26th August,2019)	Section 27 of the I&B Code, 2016	Removal of Interim Resolution Professional.	As removal of the Interim Resolution Professional was made in view of 100% voting of the 'CoCs', no interference with the order of AA is called for. Click here for full judgement.
46	Mr. Bhaaskaran Rangarajan Vs. M/s. Info Drive Software Ltd.	Company Appeal (AT) (Insolvency) No. 493 of 2019. (26th August,2019)	Section 9 of the I&B Code, 2016	Absence of definite agreement between the parties.	It was not open to the AA to reject the application in the absence of agreement. As such, the order passed by AA is set aside and the case is remitted to AA with the directions to admit the application. Click here for full judgement.
47	Praxis Corporate Services Pvt. Ltd. Vs. Powai Cubicles Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 456 of 2019. (27thAugust,2019)	Section 9 of the I&B Code, 2016	Existing of dispute.	There is nothing on record that there is pre-existing dispute. Hence, the order of AA is set aside. Further, the case is remitted to AA to admit the application. Click here for full judgement.
48	Madhusudan Sharma Vs. J.D. Aneja Edibles Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 764 of 2019. (27thAugust,2019)	Section 31 of the I&B Code, 2016	Observations against Resolution Professional.	On perusal of records, it is observed that the AA has wrongly made the observations that no serious effort was made by the 'Resolution Professional'. As such, the observations against 'RP' are set aside. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
49	Mahesh Kumar Panwar Vs. Abhishek Anand	Company Appeal (AT) (Insolvency) No. 185 of 2017 & 117 of 2018. (27thAugust,2019)	Sections 7 & 33 of the I&B Code, 2016	Allottee of a flat does not come within the meaning of 'Financial Creditor'	Since order of liquidations has been passed, no interference with order of AA is called for. Click here for full judgement.
50	Shweta Vishwanath Shirke & Ors. Vs. The Committee of Creditors & Anr	Company Appeal (AT) (Insolvency) Nos, 601, 612 & 527 of 2019. (28thAugust,2019)	Section 12(A) of the I&B Code, 2016	'Promoter' not eligible to file the 'resolution plan'	As it is not open to the AA to reject the application u/s 12 A and that too on a ground of ineligibility under Section 29A, the order of AA is set aside. The appellant is allowed to withdraw the application. Click here for full judgement.
51	Dr. Esther Malini Victor Vs. Oriental Bank of Commerce & Ors	Company Appeal (AT) (Insolvency) No. 822 of 2019. (28thAugust,2019)	Section 7 of the I&B Code, 2016	Absence of default of payment	As debt and default is proved, the AA did not commit error in passing the order. Hence, the appeal is dismissed. Click here for full judgement.
52	Synergy Property Development Service Pvt. Ltd. Vs. Bellona Estate Developers Ltd	Company Appeal (AT) (Insolvency) No. 371 of 2019. (28thAugust,2019)	Section 9 of the I&B Code, 2016	Claim is barred by limitation.	On perusal of records, claim cannot be held to be barred by limitation. The order of AA is set aside and the case is remitted to AA to admit the application. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
53	M/s. Valmont Structures Private Limited Vs. M/s. Thakkarsons Roll Forming Private Limited	Company Appeal (AT) (Ins) No.433 of 2019. (29thAugust,2019)	Section 9 of the I&B Code, 2016	Pre-existing dispute	The AA rightly declined to admit the application. Hence the appeal is dismissed. Click here for full judgement.
54	Shyam Metalics Energy Limited Vs. Rathi Steel and Power Limited,	Company Appeal (AT) (Ins) No.130 of 2019. (29thAugust,2019)	Section 9 of the I&B Code, 2016	1.Claim is barred by limitation 2.Pre-existing dispute	As there was pre-existing of dispute, no interference with the order of AA is called for. Click here for full judgement.
55	Securities and Exchange Board of India Vs. 1. Assam Company India Ltd.SREI Infrastructure Finance Pvt. Ltd. 2.Mr. C. A. Kannan Tiruvengadam, 2. BRS Ventures Investment Limited,	Company Appeal (AT) (Insolvency) No. 629 of 2018. (29thAugust,2019)	Section 33 of the I&B Code, 2016	Investigation by (SFIO)	In the absence of any violation of the provisions of the Code or any existing law or material irregularity observed, no interference with the order of AA is called for. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
56	Dhiren Dave Vs. Pantomath Capital Advisors Pvt Ltd	Company Appeal (AT) (Insolvency) No.40 Of 2019. (30thAugust,2019)	Section 9 of the I&B Code, 2016	Filing of appeal after 49 days of passing the order by AA	The appeal is dismissed being barred by limitation. Click here for full judgement.
57	Encore Asset reconstruction Company Private Limited. Vs. 1.Calyx Chemicals & Pharmaceuticals Limited 2.Ms. Charu Desai 3. Topnotch Chemicals Private Limited. 4. Khilari Infrastructure Private Limited. 5.Dena Bank	Company Appeal (AT) (Insolvency) No. 657 of 2019. (30th August,2019)	Section 31 of the I&B Code, 2016.	Interest of the lenders has not been balanced in the approved 'Resolution Plan'	As no substance in the grievances being made by the Appellant, the appeal stands dismissed. Click here for full judgement.
58	Manoj Kumar Ram & Ors. Vs. M/s. Stesalit Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 882 of 2019. (30thAugust,2019)	Section 31 of the I&B Code, 2016.	Non-implementation of the 'Resolution Plan'	The appeal is not maintainable as there has been delay beyond 15 days after passing of 30 days for preferring the appeal. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
59	Union of India & Anr. Vs. Videocon Industries Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 408 of 2019. (30th August,2019)	Section 14 of the I&B Code, 2016	To part away share of profit during the period of moratorium	The AA has rightly passed the order. As such, the appeal is dismissed. Click here for full judgement.
60	R. Adaikkalavan Vs. C.T. Ramanathan Infrastructure (P) Ltd. & 2 Others	Company Appeal (AT) (Insolvency) No. 832 of 2019. (20th August,2019)	Section 33 of the I&B Code, 2016	Non-consideration of 'Terms of Settlement'	No interference with the AA order is called for. However, the Appellant may move before the 'Liquidator' to propose any arrangement. Click here for full judgement.

NCLAT CASES OF SEPTEMBER ,2019

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
01	Smt. K. Bharathi Vs. 1.Kotak Mahindra Bank Limited 2.Green Gardens Private Limited 3.Gemini Arts Private Limited 4.Nurani Subramanian Suryanarayanan Resolution Professional 5.A. Manohar Prasad	Company Appeal (AT) (Ins) Nos. 17 & 18 of 2019. (2nd September,2019)	Sections 7 & 21 of the I&B Code, 2016	Inclusion of 'related party' as member of 'CoC'	Since 'Kotak Mahindra Bank Ltd.' has more than 65% voting share, it makes no difference whether Appellant be made a member of the 'CoC'. Accordingly, both the appeals stand dismissed. Click here for full judgement.
02	Mr. Ranjan Goyal Vs. Sharad Vadehra	Company Appeal (AT) (Insolvency) No. 173 of 2019. (2nd September,2019)	Section 7 of the I&B Code, 2016	'M/s. Homestead Infrastructure Development Pvt. Ltd.'- is a 'Corporate Debtor'	Insolvency application against the 'CD' is maintainable. Hence, the appeal is dismissed. Click here for full judgement.
03	N. Padmanabhan & Anr. Vs. M/s. Sri Adinath Enterprises & Anr	Company Appeal (AT) (Insolvency) No. 577 of 2019. (2nd September,2019)	Section 33 of the I&B Code, 2016	Failure to issue 'Information-Memorandum', resulted of non-submission of Resolution Plan.	The Appellant can approach the 'Liquidator' and may submit a revival plan. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
04	Mr. R.V. Tyagarajan Vs. State Bank of India & Ors.	Company Appeal (AT) (Ins) No. 659 of 2019. (2nd September,2019)	Section 7 of the I&B Code, 2016	Settlement of the matter u/ s 12A.	No interference with the order passed by AA is called for. However, the Appellant can settle the claim. Click here for full judgement.
05	Mr. K.P. Jayaram and Anr. Vs. M/s. Radha Exports (India) Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 224 of 2019. (2nd September,2019)	Section 7 of the I&B Code, 2016	The debt is time barred and non- existence of financial DEBT.	As the debt is not time barred by limitation and Appellants are Financial Creditors, the order of the AA is set- aside. The case is remitted to AA for admission of the application. Click here for full judgement.
06	Vivek Pasricha and Anr. Vs. Amit Sachdeva and Anr.	Company Appeal (AT) (Insolvency) No. 759 of 2019. (2nd September,2019)	Section 9 of the I&B Code, 2016	Pre-existing dispute	As there is a pre-existence of dispute, the order passed by AA is set aside. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
07	Manjeet Kaur Sran Vs. Tricolite Electrical Industries Ltd	Company Appeal (AT) (Insolvency) No. 894 of 2019. (2nd September,2019)	Section 9 of the I&B Code, 2016	The claim is barred by limitation and no amount was payable.	No merit in the appeal. As such, it stands dismissed. Click here for full judgement.
08	Kaushik Ghosh Vs. Noor Alam & Ors.	Company Appeal (AT) (Insolvency) Nos. 842 & 904 of 2019. (3rd September,2019)	Section 12 A of the I&B Code, 2016	Non-withdrawal of the insolvency proceedings	No merit in the appeals. Hence dismissed. Click here for full judgement.
09	P.V. Krishnaprasad & Anr. Vs. Mr. J. Manivannan	Company Appeal (AT) (Insolvency) No. 884 of 2019. (3rd September,2019)	Section 33 of the I&B Code, 2016	Exclusion of total period of 'CIRP' for the purpose of counting 270 days.	As no ground has been made out for exclusion of any period, no interference with order passed by AA is called for. The appeal is dismissed. Click here for full judgement.
10	International Asset Reconstruction Co. Ltd. Vs. G. Gunasekaran & Ors	Company Appeal (AT) (Insolvency) No. 901 of 2019. (3rd September,2019)	Section 18 of the I&B Code, 2016	To hand over possession of the property.	No interference with the AA order is called for as possession of the property has already been handed over to the 'Resolution Professional'. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
11	Ajeet Kumar Saxena & Ors. Vs. Shubhkamna Buildtech Pvt. Ltd. & Ors.	Company Appeal (AT) (Ins) No. 471 of 2019. (3rd September,2019)	Section 9 of the I&B Code, 2016	Non- taking into account interest/grievance of allottees/ appellant while admitting the insolvency petition.	No interference with the AA order is called for. In case Resolution Plan is approved without taking into the interest of appellant/allottees, they shall be entitled to assail the same. Click here for full judgement.
12	M/s. Bannari Amman Spinning Mills Ltd. Vs. M/s. My Choice Knit & Apparels Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 513 of 2019. (3rd September,2019)	Section 9 of the I&B Code 2016	Rejection of the application on the ground that the 'CD' is MSME.	As MSME come within the purview of 'Code', the order passed by AA is set-aside and the case is remitted to AA for admission. Click here for full judgement.
13	Aditya Kumar Jajodia Vs. 1.ICICI Bank UK PLC 2.Aditya Estates Private Limited	Company Appeal (AT) (Insolvency) No.270 Of 2019. (5th September,2019)	Section 7 of the I&B Code 2016	ICICI Bank UK PLC is not 'FC'.	AA has rightly admitted the insolvency application as ICICI Bank UK PLC Is a 'FC' of 'CD'. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
14	Mr. Hemang Phophalia Vs. 1.The Greater Bombay Co-operative Bank Limited 2. M/s. Penguin Umbrella Works Private Limited.	Company Appeal (AT) (Insolvency) No. 765 of 2019. (5th September,2019)	Section 7 of the I&B Code, 2016	Insolvency reference is not maintainable as name of the 'Corporate Debtor' was struck-off from the 'ROC'	The AA who is also the Tribunal is empowered to restore the name of the Company for the purpose of initiation of 'CIRP' within twenty years from the date the name of the Company is struck off. As the appeal is devoid of merit, it is dismissed. Click here for full judgement.
15	Sagar Sharma & Another. Vs. Phoenix ARC Private Limited	Company Appeal (AT) (Ins) No. 177 of 2019. (5thSeptember,2019)	Section 7 of the I&B Code, 2016	Insolvency Petition is not maintainable: 1. Matter is pending before 'Joint Lenders Forum' 2. Debt is barred by limitation.	As the Insolvency petition is maintainable even during the pendency of decision of a 'Joint Lenders Forum' and the Debt is not barred by limitation, the appeal is dismissed. Click here for full judgement.
16	Manjit Commercial LLP, Vs. 1.SPM Auto Pvt. Ltd. (In Liquidation) 2.Dry Nut Enterprises (Auction Purchaser	Company Appeal (AT) (Insolvency) No. 732 of 2019. (5th September,2019)	Section 35 of the I&B Code, 2016	Violation of the Liquidation Regulations and provisions of Code by the 'Liquidator'	On perusal of records, no violation in conducting auction by Liquidator observed. Hence, the appeal is dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
17	Arunava Sikdar Vs. Sanjeev Saxena & Ors	Company Appeal (AT) (Insolvency) Nos. 914 & 915 of 2019. (5th September,2019)	Section 18 of the I&B Code, 2016	Handing over the assets of the over of 'CD' to the 'Resolution Professional'.	The 'RP' is to move an application in the matter before the Hon'ble High Court of Judicature at Rajasthan. Click here for full judgement.
18	Janmejaya Mahapatra Vs. FLSmdth Pvt. Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 344 of 2019 & I.A. No. 1832 of 2019. (5th September,2019)	Section 9 of the I&B Code, 2016	There is no default.	No interference with the order passed by AA is called for. Hence, the appeal is dismissed. Click here for full judgement.
19	Mr. Vineet Khosla Vs. 1. M/s. Edelweiss Asset Reconstruction Company Ltd. 2.Margra Industries Ltd. 3.Mr. Rajender Kumar Girdhar	Company Appeal (AT) (Ins) No.441 of 2019. (6th September,2019)	Section 7 of the I&B Code, 2016	1. Pending of dispute with other forum. 2. Resolution is not possible. 3. Proper assignment of debt favouring 'FC'.	As there is no substance in the arguments put forth by the 'Appellant', the appeal filed is dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
20	Shaji Purushothaman Vs. Union Bank of India & Ors	Company Appeal (AT) (Insolvency) No. 921 of 2019. (6th September,2019)	Sections 7 & 12 of the I&B Code, 2016	Settlement of claims	The 'Appellant' is at liberty to move an application u/s 12A. Click here for full judgement.
21	Mukesh Agarwal Vs RQS Engineering Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 263 of 2019. (9th September,2019)	Section 9 of the I&B Code, 2016	'Pre-existence of dispute'	As the AA has rightly admitted the insolvency petition, the appeal filed is dismissed. Click here for full judgement.
22	Jafer Ali Vs. Mr. Amit Naidu & Anr	Company Appeal (AT) (Insolvency) No. 727 of 2019. (9th September,2019)	Section 9 of the I&B Code, 2016	1.Non-service of Demand Notice 2.Settlement of claim	As the Demand Notice was not properly served the order of AA is set aside. Further, as the matter has been settled, the 'CD' will pay the fee of 'RP' as determined by the AA. Click here for full judgement.
23	Tamil Nadu Generation & Distribution Corporation Ltd. Vs. Asset Reconstruction Company (India) Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 935 of 2019. (11th September,2019)	Section 7 of the I&B Code, 2016	Incorrect approval of the debt payable by 'CD'	The Appellant to move before AA to make necessary corrections with regard to approved plan. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
24	XL Energy Ltd. Vs. Khandoba Prasanna Sakhar Karkhana Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 907 of 2019. (11th September,2019)	Section 31 of the I&B Code, 2016	Non-consideration of Miscellaneous Application	As the Miscellaneous Application has rightly not been considered by the AA, the appeal is dismissed. Click here for full judgement.
25	Sanjay Kumar Ruia Vs Catholic Syrian Bank Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 876 of 2019. (11th September,2019)	Sections 40 & 53 of the I&B Code, 2016	Fees and cost of 'Resolution Professional'	'Liquidator' is allowed to determine the claim under Section 40 and payment thereof is to be effected u/ s 53 of the Code. Click here for full judgement.
26	Jagwani Group of Industries Pvt. Ltd. & Anr. Vs. Aryavart Chemicals Pvt. Ltd. & Ors	Company Appeal (AT) (Ins) No.938 - 939 of 2019. (11th September,2019)	Section 9 of the I&B Code, 2016	Agreement for sale of land belonging to 'CD'.	The appeal is dismissed as the same is filed beyond 15 days after the expiry of the period of 30 days of the order passed by AA. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
27	Sreeram E. Techno School Pvt. Ltd. Vs. Beans and More Hospitality Pvt. Ltd. Through R.P. Prabhjit Singh Soni	Company Appeal (AT) (Insolvency) No. 936 of 2019. (11th September,2019)	Section 30 (2) of the I&B Code, 2016	Observations of certain infirmities and Irregularities in approval of the 'Resolution Plan'	As no such infirmities/irregularities observed in approval of the 'Resolution Plan', the appeal is dismissed. Click here for full judgement.
28	P. Vijay Kumar Vs 1.M/s Priya Trading Company 2. M/s Veda Biofuel Limited 3. Mr. Gonugunta Murali,	Company Appeal (AT) (Insolvency) No. 204 of 2019. (11th September,2019)	Section 9 of the I&B Code, 2016	1. No privity of contract between the 'OC' and 'CD' 2. 'Pre-existing dispute'	On-going through the records, it is clear that the order passed by AA does not suffer from any legal infirmity or factual frailty. In fact, the appeal is frivolous. Hence, dismissed. Click here for full judgement.
29	Bank of Baroda Vs M/s Maa Tara Ispat Industries Private Limited Through Mr. Pramod Kumar Singh	Company Appeal (AT) (Insolvency) No. 868 of 2019. (12th September,2019)	Section 22 of the I&B Code, 2016	Replacement of 'Resolution Professional'	The 'CoC' while submitting to AA for replacement of 'IRP', should not have given any reason for the same as that may affect his career. Hence, the order passed by AA is set-aside with the direction to appoint 'Resolution Professional'. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
30	Girish Agarwal Vs. M/s. Lavis Signature Panel Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 847 of 2019. (13th September,2019)	Section 9 of the I&B Code, 2016	Settlement of matter	In view of the settlement reached between the parties, prior to constitution of 'CoC' the order of the AA is set aside. Click here for full judgement.
31	Mr. A. Maheshwaran Vs. Stressed Assets Stabilization Fund & Anr.	Company Appeal (AT) (Insolvency) No. 954 of 2019. (16th September,2019)	Sections 7 of the I&B Code, 2016	1. Claim is barred by limitation. 2. Dispute about amount claimed.	Claim is not barred by limitation and dispute in amount claimed cannot be ground to set-aside the order. Hence the appeal is dismissed. Click here for full judgement.
32	Naresh Kumar Sharma & Ors. Vs. Oriental Bank of Commerce & Anr	Company Appeal (AT) (Insolvency) No. 953 of 2019. (16th September,2019)	Section 7 of the I&B Code, 2016	Non-receipt of information from 'Resolution Professional'	Since 'Resolution Plan' has been provided to the Appellant, no interference with order passed by AA is called for. Click here for full judgement.
33	Hero Fincorp Ltd. Vs. Rave Scans Pvt. Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 745 of 2018 (17th September,2019)	Sections 10 & 31 of the I&B Code, 2016	Discrimination among Secured Financial Creditors	The 'Successful Resolution Applicant' is directed to provide the Appellant 45% of its admitted claim and thereby equate it with all other similarly situated 'Secured Financial Creditors'. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
34	Sumit Aggarwal Vs. 1. Silvertan Papers Limited. 2. Shri Rakesh Ahuja, Interim Resolution Professional. 3. BBF Home Care Products Limited	Company Appeal (AT) (Insolvency) Nos. 308 - 309 of 2019. (17th September,2019)	Section 9 of the I&B Code, 2016	1. Application was barred by limitation. 2. Existence of dispute	On perusal of record, it is observed that the application rightly admitted by AA. Click here for full judgement.
35	Bhawana Gupta Vs. M/s. Invest Care Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 855 of 2019. (17th September,2019)	Section 9 of the I&B Code, 2016	Dismissal of insolvency application for non-prosecution.	Taking into consideration the facts and circumstances, the order passed by AA is set- aside and IB-1280/ND/2018 is restored to its original file. Click here for full judgement.
36	Naresh Kumar Sharma & Ors. Vs. Oriental Bank of Commerce & Anr	Company Appeal (AT) (Insolvency) No. 628 of 2018. (18th September,2019)	Section 7 of the I&B Code, 2016	(i)Non-territorial jurisdiction of NCLT (ii)Application not filed by Authorised Person.	On perusal of records, it is observed that the application rightly admitted by AA. Therefore, the appeal stands dismissed. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
37	Sri Amit Kumar Agarwal Vs. UCO Bank & Anr.	Company Appeal (AT) (Insolvency) No. 960 of 2019. (18th September,2019)	Section 7 of the I&B Code, 2016	1.Application was barred by limitation 2. Claim was barred by limitation.	From the records, it is evident that neither the application nor the claim was barred by limitation. Hence, the appeal is dismissed. Click here for full judgement.
38	Hindprakash Industries Pvt. Ltd. Vs. Modern Syntax (India) Ltd.	Company Appeal (AT) (Insolvency) No. 958 of 2019. (18th September,2019)	Section 9 of the I&B Code, 2016	The case of the Appellant has been tied with the other case.	The Appellant to bring to the notice of the AA that the other case has no relevancy with their case. The Respondent is directed not to sell/transfer properties of the 'CD' till appropriate order is passed by the AA. Click here for full judgement.
39	Madhu Nambiar Vs. M/s. Trivium Systems Inc.	Company Appeal (AT) (Insolvency) No. 946 of 2019. (18th September,2019)	Section 9 of the I&B Code, 2016	Settlement of matter prior to constitution of 'CoC'	In view of the settlement of the matter between the parties, the order of the AA is set aside. Click here for full judgement.
40	Kamesh Badhana Vs Goving Ram & Ors	Company Appeal (AT) (Insolvency) No. 721 of 2018. (18th September,2019)	Section 33 (2) of the I&B Code, 2016	Filing of Resolution Plan not allowed/ permitted	No interference with the order of AA is called for. However, the Appellant may take up the matter with the Liquidator for scheme of arrangement. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
41	Madras Steels and Tubes "Megh Synergy" Vs. Matrix Boilers Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 394 of 2019. (18th September,2019)	Section 9 of the I&B Code, 2016	Settlement of matter	The Respondent is directed to act in terms of the 'Settlement Deed' and pay the rest amount within stipulated period. Click here for full judgement.
42	Hema Manoj Shah Vs. Asset Reconstruction Company (I) Limited & Ors.	Company Appeal (AT) (Insolvency) No. 963 of 2019. (19th September,2019)	Section 34 of the I&B Code, 2016	Appointment of liquidator without consent.	The matter is remitted to the AA to consider the case of the Appellant for releasing her as 'Liquidator'. Click here for full judgement.
43	Saran Equipments & Engineers Pvt. Ltd. Vs. Pioneer Fabricators Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 865 of 2019. (19th September,2019)	Section 9 of the I&B Code, 2016	Restoration of petition by recalling the order.	The order of the AA is set-aside. Further, AA is directed to restore the petition to its original file. Case to be considered on merit. Click here for full judgement.
44	State Bank of India Vs. Rohit Ferro Tech Limited	Company Appeal (AT) (Insolvency) No. 671 of 2019. (20th September,2019)	Section 7 of the I&B Code, 2016	Dismissal of insolvency application as circular dated 12.02.18 issued by RBI has been declared ultra vires and illegal by Hon'ble SC	As the application was not filed pursuant to RBI 'Circular', the Order of AA is set-aside. Further, the case is remitted to AA for admission. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
45	Edelweiss Asset Reconstruction Company Limited Vs. Sachet Infrastructure Pvt. Ltd.	Company Appeal (AT) (Insolvency) Nos. 377 to 385 of 2019. (20th September,2019)	Section 7 of the I&B Code, 2016	Having triggered "CIRP" against the 'Principal Borrower'- for same set of claim against other 'Corporate Guarantors' is not maintainable.	<p>1. Order of AA is set-aside.</p> <p>2.Group 'CIRP' proceeding is required to be initiated against five 'Corporate Debtors'</p> <p>3. In respect of remaining 'Corporate Debtors' the matter is remitted back to AA with observations.</p> <p>Click here for full judgement.</p>
46	1.Vinayaka Exports 2.Mrs. Divya M. Jain Vs. M/s. Colorhome Developers Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 06 of 2019. (23rd September,2019)	Section 7 of the I&B Code, 2016	<p>1.Pendency of civil suits.</p> <p>2. Existence of dispute in the quantum of amount of debt claimed.</p>	<p>The stand of AA to reject the insolvency application is not correct. Hence, the order passed is set- aside with the direction to AA to admit the application.</p> <p>Click here for full judgement.</p>
47	Ashish Das Vs Daimler Financial Services Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 636 of 2019. (23rd September,2019)	Section 12A of the I&B Code, 2016	Settlement of Claim	<p>By way of last chance, the Appellant is allowed to settle the claim.</p> <p>Click here for full judgement.</p>

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
48	Bank of India Vs Paramashakti Steels Ltd. & Anr	Company Appeal (AT) (Insolvency) Nos. 459-460 of 2019. (23rd September,2019)	Section 30 of the I&B Code, 2016	Discrimination among Secured Financial Creditors	Since the Appellant has since been provided same treatment as provided to the similarly situated 'Financial Creditors', no Interference with order passed by AA is called. Click here for full judgement.
49	V. Ravichandran Vs. Indian Overseas Bank & Anr	Company Appeal (AT) (Ins) No.990 of 2019. (24th September,2019)	Section 7 of the I&B Code, 2016	Payment under OTS	The Appellant is to clear all the dues of Respondent by 10th October,2019. Click here for full judgement.
50	Prayag Polytech Pvt. Ltd. Vs Gem Batteries Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 713 of 2019. (24th September,2019)	Section 7 of the I&B Code, 2016	Absence of 'Financial Contract' to establish financial debt.	As Appellant failed to show any record, showing financial debt, order of rejection of application needs no interference. However, the part of order of AA as regards imposing of a fine is set aside. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
51	KSB Shanghai Pump Co Ltd. Vs. 1.Lanco Infratech Ltd 2. IDBI Bank Private Ltd 3. Bank of China	Company Appeal (AT) (Insolvency) No.230, 234,235 Of 2019. (25th September,2019)	Section 35 of the I&B Code, 2016	To restrain from invoking or encashing the Bank Guarantee	On perusal of records, the direction as sought by the appellants to direct not to pay any amount of 'CD' cannot be ordered. Click here for full judgement.
52	Srei Multiple Asset Investment Trust Vs. IDBI Bank Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 666 of 2019. (25th September,2019)	Section 7 of the I&B Code, 2016	Filing of same claim with other 'CD' under CIRP	Admission of application has been rightly admitted by AA. Hence, appeal is dismissed. Click here for full judgement.
53	Sri Jawahar Lal Luthra Vs Ganesh Rice and General Industries & Anr	Company Appeal (AT) (Insolvency) No. 945 of 2019 (25th September,2019)	Section 9 of the I&B Code, 2016	No debt is payable	Debt is payable and there is no 'pre-existence dispute'. Appellant, is not reliable and trying to mislead. Appeal is dismissed with costs of Rupees One Lakh. Click here for full judgement.
54	Amit Singhal & Anr. Vs Experion Developers Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 992 of 2019. (26th September,2019)	Section 7 of the I&B Code, 2016	Filing of appeal with a considerable delay.	The appeal is dismissed as the Authority has no jurisdiction to condone the delay in preferring the appeal beyond 30 days. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
55	Sh. B. Prashanth Hegde Vs. 1.State Bank of India 2.M/s. Metal Closure Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 68 of 2019 (26th September,2019)	Section 7 of the I&B Code, 2016	Insolvency application filed was barred by limitation and no debt is payable.	No interference with the order of admission is called for as the debt is payable and application filed was not barred by limitation. Click here for full judgement.
56	Jet Airways (India) Ltd. Vs State Bank of India & Anr	Company Appeal (AT) (Insolvency) No. 707 of 2019. (26th September,2019)	Section 7 of the I&B Code, 2016	Participation of the 'Dutch Trustee' (Administrator) in the meeting of the 'CoC'	Only a part of the order passed by the AA in so far it relates to that the 'Dutch Court' has no jurisdiction in the matter of 'CIRP' and the consequential directions to the 'Resolution Professional' in respect of 'Offshore proceedings is set aside. Click here for full judgement.
57	Sanjay Garg Vs Tristar Global Infrastructure Pvt. Ltd	Company Appeal (AT) (Ins) No.272 of 2019. (27th September,2019)	Section 9 of the I&B Code, 2016	Request to withdraw the appeal.	Appeal is allowed to be withdrawn. However, the Appellant may pursue his claim in CIRP proceeding, initiated by PNB against 'CD' in other case. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
58	P. Purushothaman Vs Union Bank of India & Anr.	Company Appeal (AT) (Ins) No. 858 of 2019 with I.A. No. 2621 of 2019 & I.A. No. 2767 of 2019. (27th September,2019)	Section 7 of the I&B Code, 2016.	Condonation of delay	The appeals for condonation of delay are dismissed as this Authority is not empowered to condone the delay more than 15 days beyond 30 days period of appeal. Click here for full judgement.
59	Pratima P. Shah Vs 1.IDBI Bank Limited 2.Anil Goel 3.Registrar of Companies	Company Appeal (AT) (Insolvency) No. 196 & 210 of 2019 (30th September,2019)	Section 31 of the I&B Code.	To lodge prosecution against the company	AA wrongly held that the Company has suppressed the fact of pendency of the winding-up proceeding. The order passed by AA is set-aside and the case is remitted to AA to pass appropriate order. Click here for full judgement.
60	Vinay Kumar Mangalam Vs. Punjab National Bank & Anr.	Company Appeal (AT) (Insolvency) No. 866 of 2019. (30th September,2019)	Sections 7 & 12 of the I&B Code, 2016	Settlement of matter.	The Appellant is allowed to move before the 'CoC' by filing terms of settlement. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
61	Anil Goel Liquidator, VISA Power Ltd. Vs Vishambhar Saran & Ors	Company Appeal (AT) (Ins) No.1007 of 2019. (30th September,2019)	Sections 35(1)(n), 45 & 66 of the I&B Code, 2016	Undervalued/ fraudulent transactions	Appellant Authority is not to decide whether the sale of a car is undervalued or not. The appeal is dismissed. Click here for full judgement.
62	Vikas Kumar Vs Orion Trading Company	Company Appeal (AT) (Ins) No.981 of 2019. (30th September,2019)	Section 9 of the I&B Code, 2016	Settlement of dispute.	In view of already settlement of dispute, the appeal is disposed of as infructuous. Click here for full judgement.
63	Armada Singapore Pte. Ltd. Vs Ashapura Minechem Ltd	I.A. No. 3052 of 2019 in Company Appeal (AT) (Insolvency) No. 350 of 2019 and appeals nos. 365 & 439. (30th September,2019)	Sections 10 & 31 of the I&B Code, 2016	Withdrawal of the application	The petition filed in 'Form 6' is dismissed. The AA will close the proceedings. Click here for full judgement.
64	Mr. G.R.K. Reddy Vs ICICI Bank Limited & Ors.	Company Appeal (AT) (Insolvency) No. 618 of 2019. (30th September,2019)	Section 7 of the I&B Code, 2016.	Settlement of matter.	As the 'Terms of Settlement' u/s 12 A has since been approved, the prayer of the Respondent to withdraw the petition is accepted. Click here for full judgement.

S No.	Name of the Parties	Case Reference & with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
65	M/s. B.M. Pipes Private Limited Vs. M/s. Eta Engineering Private Limited	Company Appeal (AT) (Insolvency) No. 281 of 2019. (30th September,2019)	Section 9 of the I&B Code, 2016	Settlement of matter	In view of the 'Terms of Settlement', order of the AA is set-aside. Further, withdrawal of the insolvency application is allowed. Click here for full judgement.
66	M/s. Alpha Corp Development Pvt. Ltd. Vs. M/s. Earth Infrastructure Ltd	Company Appeal (AT) (Insolvency) No. 902 of 2019. (30th September,2019)	Section 12 of the I&B Code, 2016	Extension of time	The period stands extended for another 90 days to complete 'CIRP'. Click here for full judgement.