



# e-Juris

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# NCLAT/HIGH COURT/SUPREME COURT CASES : JANUARY TO MARCH, 2020

## JANUARY, 2020

Sr. No.	Name of the Parties	Case reference with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
01	Mr. Kaushal Ramesh Mehta Vs. Metallica Industries Ltd. & Ors.	Company Appeal (AT) (Ins) Nos.1437 &1438 of 2019. ( 2 <sup>nd</sup> January, 2020)	Sections 31 of the I&B Code, 2016	Challenging of an Approved resolution plan	As the Appellant(s) failed to make out any of the grounds as mentioned in Section 61(3), no interference with the plan approved by the Adjudicating Authority is called for. <a href="#">Click here for full judgement</a>
02	Gautam Singhania Vs. M/s. Loyal Scaffolding Pvt. Ltd.	Company Appeal (AT) (Ins) No.1259 of 2019. ( 3 <sup>rd</sup> January, 2020)	Sections 9 of the I&B Code, 2016	Settlement of the matter	In view of the settlement made, the order dated 30th October, 2019 passed by the Adjudicating Authority is set aside. <a href="#">Click here for full judgement</a>
03	Ved Contracts Pvt. Ltd.	Company Appeal (AT) (Ins) No.908 of 2019.	Sections 9	Pre-existing dispute	The AA has rightly rejected the application. The appeal is rejected.

	Vs. Pan Realtors Pvt. Ltd.	( 3 <sup>rd</sup> January, 2020)	of the I&B Code, 2016		<a href="#">Click here for full judgement</a>
04	Udyavar Vittal Kamath Vs. Veekay General Industries	Company Appeal (AT) (Ins) No.1487 & 1488 of 2019. ( 3 <sup>rd</sup> January, 2020)	Sections 9 of the I&B Code, 2016	Settlement of the matter	In view of the settlement reached between the parties, the order passed by the AA is set aside.  <a href="#">Click here for full judgement</a>
05	Amit Khaneja & Anr. Vs. Charu Chandra Nirmal & Anr	Company Appeal (AT) (Ins) No.1505 of 2019. ( 3 <sup>rd</sup> January, 2020)	Sections 7 of the I&B Code, 2016	Settlement of the matter	As the parties had reached settlement on the date of admission of the application, the order Passed by the AA is set aside. The insolvency application filed is treated as withdrawn.  <a href="#">Click here for full judgement</a>
06	Mr. Suraj Awana Vs. Mr. Anand Prakash & Anr	Company Appeal (AT) (Ins) No.1253 of 2019. ( 3 <sup>rd</sup> January, 2020)	Sections 9 of the I&B Code, 2016	1.Claim is barred by limitation 2.Settlement of the matter	In view of the settlement and on merits, the order passed by the AA is set-aside. Insolvency application filed is dismissed.  <a href="#">Click here for full judgement</a>

07	CYCLO Transmissions Ltd. Vs. Industrial Development Bank of India	Company Appeal (AT) (Insolvency) No. 1449 of 2019  (3 <sup>rd</sup> January,2020)	-	Application of Substitution	1.Present appellant be substituted with 'Pandurang Shinde' as 'Appellant' 2. 'Cyclo Transmissions Limited' ( 'Corporate Debtor') be transposed as 2nd Respondent through the Insolvency Resolution Professional.  <a href="#">Click here for full judgement</a>
08	Arun Kapoor, Resolution Professional, Denovo Enterprises Pvt. Ltd. Vs. Denovo Enterprises Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 1523 of 2019.  (6th January,2020)	Sections 12 of the I&B Code, 2016	Exclusion of time	There is no ground to interfere with the order of AA. Appeal is dismissed.  <a href="#">Click here for full judgement</a>
09	Mr. Vipin Agarwal Vs Mr. Satyaprakash Aggarwal & Ors	Company Appeal (AT) (Insolvency) No. 1480 of 2019.  (6th January,2020)	Sections 7 of the I&B Code, 2016	The debt does not come within the meaning of 'Financial Debt'	The Respondents come within the meaning of 'Financial Creditors'. As such, the Appeal is dismissed  <a href="#">Click here for full judgement</a>

10	Shashank Keshav Kalkar Vs. Raychem RPG Private Limited & Anr.	Company Appeal (AT) (Insolvency) No. 1463 of 2019.  (6th January,2020)	Sections 9 of the I&B Code, 2016	'Pre-exiting dispute'	There was no pre-existence of dispute. Hence, the appeal filed is dismissed.  <a href="#">Click here for full judgement</a>
11	Mukesh Kumar Vs S.C. Ahuja & Ors.	Company Appeal (AT) (Insolvency) No. 1291 of 2019.  (7th January,2020)	-	Settlement of matter	The appeal is dismissed as withdrawn  <a href="#">Click here for full judgement</a>
12	Panoramic Universal Vs Sanitech Engineers & Consultants Pvt. Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 1095 of 2019.  (7th January,2020)	Sections 9 of the I&B Code, 2016	Settlement of matter	In view of settlement reached between the parties, the order passed by AA is set aside and insolvency application is treated as withdrawn.  <a href="#">Click here for full judgement</a>
13	Suman Chakraborty Vs. Anhui Technology Imp. & Exp. Co. Ltd.	Company Appeal (AT) (Insolvency) No. 1090 of 2019.  (7th January,2020)	Sections 9 of the I&B Code, 2016	'Pre-exiting dispute'	There being a pre-existing dispute, the order of AA is set-aside and insolvency application filed by the Respondent is dismissed.  <a href="#">Click here for full judgement</a>

14	Venus Sugar Ltd. Vs. SASF	Company Appeal (AT) (Insolvency) No. 1517 of 2019.  (7th January,2020	Sections 7 of the I&B Code, 2016	Oder for Dismissal of application for non- prosecution was subsequently not passed.	With a view to maintaining rule of natural justice, right action was taken by the Hon'ble Member. As such no interference in the order of AA is called for.  <a href="#">Click here for full judgement</a>
15	Corporation Bank Vs. LSI Resolution Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 1515 of 2019.  (7th January,2020	Sections61(2) of the I&B Code, 2016	Delay of 49 days to file an appeal.	Delay of more than 49 days to file an Appeal cannot be condoned. It is accordingly dismissed being barred by limitation  <a href="#">Click here for full judgement</a>
16	Mahesh Munjal Vs. Marmo Stone Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) No.1081 of 2019.  (7th January,2020)	Sections 9 of the I&B Code, 2016	Settlement of matter	In view of settlement entered into between the parties, permission is granted to withdraw the Appeal.  <a href="#">Click here for full judgement</a>

17	Vipul Ltd. Vs. M/s. Vipul Greens Residents Welfare Association	Company Appeal (AT) (Insolvency) No. 21 of 2020.  (8th January,2020)	Sections 7 of the I&B Code, 2016	AA order/direction to Deposit any amount to certain corpus or with regard to maintenance, prior to admission of Insolvency application	As AA has no jurisdiction to pass such order before the admission of insolvency application, the order is set-aside and the case is remitted to AA to decide the matter afresh.  <a href="#">Click here for full judgement</a>
18	Munish Kumar Bhunsali & Anr. Vs. Kotak Mahindra Bank Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 1349 of 2019.  (8th January,2020)	Sections 7 of the I&B Code, 2016	Application is barred by limitation	As the application filed is barred by limitation, the order of AA is set – aside.  Click here for full judgement
19	State Bank of India Vs. Sical Logistics Ltd.	Company Appeal (AT) (Insolvency) No. 16 of 2020.  (8th January,2020)	Sections 9 of the I&B Code, 2016	Insolvency application is barred by limitation.	The appeal is dismissed being devoid of merit.  <a href="#">Click here for full judgement</a>
20	Union Bank of India Vs.	Company Appeal (AT) (Insolvency) No. 38 of 2020.  (9 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	For expeditious disposal of application.	There is no ground to interfere with the order of the AA reserved after hearing the parties. However, it is expected that the Hon'ble Members will deliver the decision expeditiously.



	Rajahmundary Godavari Bridge Ltd.				<a href="#">Click here for full judgement</a>
21	M/s. SEW Infrastructure Ltd. Vs. M/s. Mahendra Investment Advisors Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 1500 of 2019.  (9 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Application against the 'Corporate Guarantor' is not maintainable.	The Appellant can initiate only one proceeding against either the 'Principal Borrower' or against the 'Corporate Debtor'. For same set of claim, two companies cannot go for liquidation. As such no interference with the order of rejection of the application by AA is called for.  <a href="#">Click here for full judgement</a>
22	Raman Agarwal Vs. Mohit Chawla & Ors. Resolution Professional J.R. Agro Tech Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 50 of 2020.  (10 <sup>th</sup> January,2020)	Sections 43, 45 and 66 of the 'I&B' Code	'Preferential transactions' or 'Under value transactions'.	AA is allowed to pass appropriate order on the application filed under Sections 43, 45 and 66 of the 'I&B Code', after giving opportunity to the parties to file their respective replies, including the Appellant.

					<a href="#">Click here for full judgement</a>
23	M/s. Premraj Packagings Vs. M/s. Unnao Distilleries & Breweries	Company Appeal (AT) (Insolvency) No. 24 of 2020.  (10 <sup>th</sup> January,2020)	Sections 9 of the I&B Code, 2016	Non- service of notice u/s 8(1) on the 'Corporate Debtor'.	In view of the fact that India Post reported "insufficient address" no interference with the order of AA is called for. Further, the Appellant is allowed to serve fresh Demand Notice.  <a href="#">Click here for full judgement</a>
24	Landmark Realty Vs. Siroya Developers Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 25 of 2020.  (10 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Pre-existence of dispute	Adjudicating Authority rightly rejected the application. Hence, the appeal is rejected.  <a href="#">Click here for full judgement</a>
25	Committee of Creditors, M/s. Smartec Build Systems Pvt. Ltd. Vs. B. Santosh Babu & Ors.	Company Appeal (AT) (Insolvency) No. 48 of 2020.  (10 <sup>th</sup> January,2020)	Sections 9 of the I&B Code, 2016 read with Regulation 34	Non-payment of fees and cost incurred by the 'Interim Resolution Professional'	The 'Committee of Creditors' is to pay the fees and cost incurred by 'Interim Resolution Professional'. Further, as the plea taken by the 'CoCs' is frivolous, the same is dismissed with cost of Rs.1,00,000/- (Rupees One Lac Only)

			of IBBI( Insolvency Process for Corporate Persons) Regulations ,2014		<a href="#">Click here for full judgement</a>
26	Vivek Jha Vs. Daimler Financial Services India Private Ltd. & Anr.	Company Appeal (AT) (Insolvency) No. 756 of 2018. (13 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Barred by Limitation	As the claim is not barred by Limitation, the appeal fails and the same is dismissed.  <a href="#">Click here for full judgement</a>
27	Indian Overseas Bank Vs. Patel Woods Products Ltd.	Company Appeal (AT) (Insolvency) No. 54 of 2020. (13 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Application is barred by limitation	No merit in the appeal. As such, the appeal is dismissed.  <a href="#">Click here for full judgement</a>

28	Shyam Metalics and Energy Ltd. Vs. Kshitiz Chhawcharia, Liquidator, Concast Steel & Power Ltd. (in Liquidation) & Anr.	Company Appeal (AT) (Insolvency) No. 53 of 2020.  (13 <sup>th</sup> January,2020)	Section 35 of the I&B Code, 2016	Bidding for the Assets of “CD” under liquidation	No interference is required as the AA will consider the application filed by the Appellant on 20 <sup>th</sup> January, 2020. However, the Liquidator to ensure that application is not made infructuous in the meantime.  <a href="#">Click here for full judgement</a>
29	iValue Advisors Pvt. Ltd. Vs. Srinagar Banihal Expressway Ltd.	Company Appeal (AT) (Insolvency) No. 1142 of 2020.  (13 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute between the parties.	As there was no pre-existing dispute, the Insolvency application was wrongly rejected. Therefore, the order of AA is set-aside. The AA will admit the petition under the provision of ‘Çode’.  <a href="#">Click here for full judgement</a>
30	Unistill Alcoblend Pvt. Ltd. Vs. India Brewery & Distillery Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 162 of 2019.  (16 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	There is dispute prior to filing the instant petition	Adjudicating Authority erred in dismissing the Insolvency Application. Therefore, the order of AA is set-aside. The matter is remitted back to the AA.  <a href="#">Click here for full judgement</a>

31	Rahul Aneja Vs Sushant Aneja & Anr.	Company Appeal (AT) (Insolvency) No. 699 of 2019  (16 <sup>th</sup> January,2020)	Section 31  of the I&B Code, 2016	Amendment in the Resolution Plan.	Appellant to file a clarification application before the Adjudicating Authority  <a href="#">Click here for full judgement</a>
32	Mr. M. Ravindranath Reddy Vs. Mr G. Kishan & Ors	Company Appeal (AT) (Insolvency) No. 331 of 2019.  (17 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	1.Pre-existing dispute 2. Whether a landlord providing lease is an 'Operational Creditor'	As there is a pre-existence of dispute and further alleged debt on account of purported enhanced rent of leasehold property does not fall within the definition of operational debt, the appeal is allowed and the order of AA is set-aside.  <a href="#">Click here for full judgement</a>
33	Excise and Taxation Department, Sonipat Haryana Vs.	Company Appeal (AT) (Insolvency) No. 1306 of 2019.  (17 <sup>th</sup> January,2020)	Section 61(2) of the I&B Code, 2016	Delay in filing the appeal	Delay being beyond 15 days apart from 30 days' in preferring the appeal, the appeal is not maintainable and barred by limitation.  <a href="#">Click here for full judgement</a>

	M/s. Sunstar Overseas Ltd. & Anr.				
34	R. Balasubramanian Vs. ABB India Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 1431 of 2019. (17 <sup>th</sup> January,2020)	Section 12A of the I&B Code, 2016	Settlement of matter	In view of the settlement reached, the parties are permitted to approach, NCLT to seek appropriate remedy. Accordingly, the appeal stands disposed of.  <a href="#">Click here for full judgement</a>
35	Shameek Breweries Pvt. Ltd. Vs. Manoj Kumar Agarwal & Anr.	Company Appeal (AT) (Insolvency) No. 843 of 2019. (17 <sup>th</sup> January,2020)	Sections 7 & 12A of the I&B Code, 2016	Order of Recall	The Promoters have not challenged the order of AA and are not aggrieved against order of recall. At the instance of the "FC", the Promoters are not being directed to provide clean money. Hence, no interference in the order of AA is called for. The Appeal is dismissed.  <a href="#">Click here for full judgement</a>
36	Mr. Arounane. P Vs.	Company Appeal (AT) (Insolvency) No. 1075 of 2019.	Section 9 of the I&B	Settlement of matter	In view of the settlement, the Appeal is disposed as withdrawn

	One Bill Software India Pvt. Ltd.	(17 <sup>th</sup> January,2020)	Code, 2016		<a href="#">Click here for full judgement</a>
37	Deepak Gupta Vs. Rudra Buildwel Projects Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 87-89 of 2020.  (20 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Impleadment of the Appellant. 2. Dismissal of Review petition 3. Withdrawal of Application pending petition filed by the Appellant on 3.12..19	No interference for withdrawal of application u/s 7 is called for.  <a href="#">Click here for full judgement</a>
38	SPM Holdings PTE Ltd. Vs. Rohit Ferro Tech Lt	Company Appeal (AT) (Insolvency) No. 65 of 2020.  (20 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Postponement of the meeting by 'Operational Creditor.'	'The AA is directed to pass appropriate order taking into consideration the Insolvency Application.  <a href="#">Click here for full judgement</a>
39.	State Bank of India Vs. Adhunik Steels Ltd	Company Appeal (AT) (Insolvency) No. 1192 of 2019.  (20 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Recovery of balance amount from the Guarantor.	No opinion is expressed with regard to the issue, as all such facts are to be noticed by the Competent Authority/ Court of Law.  <a href="#">Click here for full judgement</a>

40	Damodar Valley Corporation Vs. Divya Jyoti Sponge Iron Pvt. Ltd. & Ors.	Company Appeal (AT) (Insolvency) No.1079 of 2019  (20 <sup>th</sup> January,2020)	Section 420(3) Of Companies Act,2013	1. Non-supply of copy of the order.  2.Delay in filing the appeal	The delay having exceeded more than 15 days beyond 30 days, the appeal is not maintainable being barred by limitation.  <a href="#">Click here for full judgement</a>
41	R. S. Fuel Pvt. Ltd Vs. Ankit Metal & Power Ltd	Company Appeal (AT) (Insolvency) No. 95 of 2020.  (20 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute.	In view of pre-existing dispute, the insolvency application cannot be entertained. As such, the appeal is dismissed.  Click here for full judgement
42	Ashok Kumar Sachdeva Vs. 1. Kotak Mahindra Bank Ltd. 2.Sh. Himanshu Jetley 3. Sachdeva And Sons Rice Mills Limited.	Company Appeal (AT) (Insolvency) No. 998 of 2019  (21 <sup>ST</sup> January,2020)	Section 9 of the I&B Code, 2016	Insolvency Application filed was time-barred.	The AA erred in admitting Application. Hence, the Appeal is allowed. The order of AA is quashed and set-aside.  <a href="#">Click here for full judgement</a>



43	Shyam Pradhan & Anr. Vs. Anand Chandra Swain	Company Appeal (AT) (Insolvency) No. 15 of 2020.  (21 <sup>ST</sup> January,2020)	-	Insurer to continue with the Insurance	In absence of any merit, the appeal is dismissed.  <a href="#">Click here for full judgement</a>
44	M/s. Emgee Infrastructure Holdings (India) Pvt. Ltd. Vs. M/s. Navayuga Engineering Company Ltd.	Company Appeal (AT) (Insolvency) No. 79 of 2020.  (21 <sup>ST</sup> January,2020)	Section 9 of the I&B Code, 2016	Pre-existence of dispute.	The Insolvency application was barred by limitation. No merit in the appeal. It is accordingly, dismissed.  <a href="#">Click here for full judgement</a>
45	Punjab National Bank Vs. Mr. Kiran Shah Liquidator of ORG Informatics Ltd	Company Appeal (AT) (Insolvency) No. 102 of 2020.  (21 <sup>ST</sup> January,2020)	Sections 33 & 34 of the I&B Code, 2016	Removal of Liquidator	After the liquidation the 'Committee of Creditors' has no role to play. As such, no merit in this appeal. It is accordingly dismissed.  <a href="#">Click here for full judgement</a>

46	Greatship (India) Ltd. Vs. Sudip Bhattacharya	Company Appeal (AT) (Insolvency) No. 64 of 2020.  (21 <sup>ST</sup> January,2020)	Section 61 of the I&B Code, 2016	Objection to the bidding process	The AA is directed to take up the matter by 24 <sup>th</sup> Jan, 20 and dispose of the same on merits.  <a href="#">Click here for full judgement</a>
47	M M Ramachandran Vs South Indian Bank Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 1509 of 2019  (22 <sup>nd</sup> January,2020)	Section 7 of the I&B Code, 2016	Application is barred by Limitation. 2. Record of default not enclosed.	There is default and AA rightly admitted the application. In absence of any merit, the appeal is dismissed.  <a href="#">Click here for full judgement</a>
48	M/s Ugro Capital Limited Vs. M/s Bangalore Dehydration and Drying Equipment Co. Pvt. Ltd. (BDDE)	Company Appeal (AT) (Insolvency) No. 984 of 2020.  (22 <sup>nd</sup> January,2020)	Section 7 of the I&B Code, 2016	Non prosecution of the judgment and decree obtained in 2015	Since the Application for initiation of the corporate insolvency resolution process is complete in all respects, the Appeal is allowed. Further the AA is directed to pass an order for admitting the petition.  <a href="#">Click here for full judgement</a>
49	Navin Raheja Vs. Shilpa Jain and Others	Company Appeal (AT) (Insolvency) No. 864 of 2019.	Section 7 of the I&B Code, 2016	1.Fraudulent and malicious initiation of proceedings	It is clear that respondents filed Insolvency Petition fraudulently with malicious intent for the purpose other than for the resolution or liquidation. As

		(22 <sup>nd</sup> January,2020)		2. Application was barred by limitation	such, the Appeal is allowed and order of AA is set-aside.  <a href="#">Click here for full judgement</a>
50	Mr. K.N. Mahesh Prasad Vs. M/s. MedinnBelle Herbalcare Private Limited	Company Appeal (AT) (Insolvency) No. 512 of 2019.  (22 <sup>nd</sup> January,2020)	Section 7 of the I&B Code, 2016	The transaction does not acquire the status of 'financial debt'	There is no ground to interfere with the decision of the AA. In absence of any merit, the appeal is dismissed.  <a href="#">Click here for full judgement</a>
51	Mr. Rajneesh Nagar Vs. Ultimate Infracity Pvt. Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 1483 of 2019.  (22 <sup>nd</sup> January,2020)	Section 12 A of the I&B Code, 2016	Settlement of matter	In view of the settlement reached, prayer to withdraw the application is accepted. Accordingly, the instant appeal is dismissed as withdrawn.  <a href="#">Click here for full judgement</a>
52	PNB Housing Finance Ltd. Vs. J.S.S. Buildcon Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 103 of 2020.  (23 <sup>rd</sup> January,2020)	Section 7 of the I&B Code, 2016	CD does not owe any amount to FC. There is no default by CD.	The Appellant cannot be treated as 'Financial Creditor' of 'CD'. No merit in the appeal. Hence it is dismissed.  <a href="#">Click here for full judgement</a>

53	M/s Global Business Corporation, Vs. 1.Punjab National Bank 2.Ashish Agarwal,	Company Appeal (AT) (Insolvency) No. 02 & 09 of 2019.  (23 <sup>rd</sup> January,2020)	Sections 33 of the I&B Code, 2016	Furnishing of a Plan with modification.	There is no merit to interfere in the order passed by the AA. The order of AA is upheld.  <a href="#">Click here for full judgement</a>
54	Bijay Kumar Agarwal, Ex-Director of M/s Genegrow Commercial Pvt. Ltd. Vs. State Bank of India and Anr.	Company Appeal (AT) (Insolvency) No. 993 of 2019.  (23 <sup>rd</sup> January,2020)	Section 7 of the I&B Code, 2016	1.Co-extensive liability of the 'Principal Borrower' and the 'Guarantor' 2. Application filed is barred by limitation.	Application filed against the 'Corporate Debtor'- Gengrow Commercial Pvt. Ltd.- is not maintainable in law and the same is dismissed. Accordingly, order of AA is set-aside.  <a href="#">Click here for full judgement</a>
55	Asim Kumar Misra Vs. M/s. Sarkar & Chowdhury Enterprises Pvt. Ltd. & Ors	Company Appeal (AT) Nos. 12,13,14,15,16 &18 of 2020  (23 <sup>rd</sup> January,2020)	-	Transfer of shares	As these appeals are covered by the decision dated 10.01.20 against Appeal .(AT) No 02of 2020, these appeals are disposed of  <a href="#">Click here for full judgement</a>

56	Forech India Pvt. Ltd. Vs Tecpro Systems Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 706,758 & 890 of 2019.  (23 <sup>rd</sup> January,2020)	Sections 33 of the I&B Code, 2016	Acceptance of Resolution Plan	In view of the order of liquidation passed by AA, these Appeals filed are disposed of as having become infructuous.  <a href="#">Click here for full judgement</a>
57	Vishal Gupta Vs. M/s Aanav Construction & Anr.	Company Appeal (AT) (Insolvency) No. 1016 of 2019.  (23 <sup>rd</sup> January,2020)	Section 9 of the I&B Code, 2016	Settlement of dues.	In view of the settlement of the claim, order passed by AA is set aside. Insolvency application is disposed of as withdrawn.  <a href="#">Click here for full judgement</a>
58	Ramnath Vs. M/s. Sew Infrastructure Ltd. & Ors.	Company Appeal (AT) (Insolvency) No. 1279 of 2019.  (24 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Settlement of dues	In view of the settlement of the claim, order passed by AA is set aside. Insolvency application is disposed of as withdrawn.  <a href="#">Click here for full judgement</a>
59	Sh. Sarish Mittal, Director, M/s. KSM Spinning Mills Ltd.	Company Appeal (AT) (Insolvency) No. 29 of 2020.	Section 7 of the I&B Code, 2016	Insolvency Application is barred by limitation.	As the application was filed within three years, it is not barred by limitation. As such no merit in the appeal. Hence, it is dismissed.

	Vs. Central Bank of India & Ors.	(24 <sup>th</sup> January,2020)			<a href="#">Click here for full judgement</a>
60	SANTOSH WASANTRAO WALOKAR Vs 1.Vijay Kumar V.Iyer 2.Dalmia Cement (Bharat) Limited	Company Appeal (AT) (Insolvency) No. 871-872 and others  (24 <sup>th</sup> January,2020)	Sections 7, 30 ,53 of the I&B Code, 2016	<u>Appeal(871-872)</u> 1.Approved Resolution Plan is discriminatory 2. Initiation of CIRP was vitiated in view of the pendency of winding up petition. <u>Appeal924-925)</u> 1.Rejection of Claim <u>Appeal(863-867)</u> Rejection of claims of unsecured 'FCs' <u>Appeal(880-881)</u> Review & and modifying its order by AA <u>Appeal(892-893)</u> Rejection of claim	There is no ground to interfere with the order passed by the AA. Accordingly, the order of National Company Law Tribunal, Mumbai Bench is upheld.  <a href="#">Click here for full judgement</a>

61	1. Spade Financial Services Limited. 2. AAA Landmark Private Limited VS. Hari Krishan Sharma & 4 others	Company Appeal (AT) (Insolvency) No. 829 of 2019.  (27 <sup>th</sup> January,2020)	Sections 9, 5(24) and 21)(2) of the I&B Code, 2016	Shri Arun Anand and the Spade Financial Services Private Limited and AAA Landmark are related parties to the 'Corporate Debtor'	AA has rightly excluded the Spade Financial Services Private Limited and AAA Landmark Private Limited for participation in 'CoCs'. As such, there is no reason to interfere with order of AA.  <a href="#">Click here for full judgement</a>
62	QVC Exports Pvt. Ltd Vs. 1.United Tradeco FZC 2. Anish N. Nanavaty, Resolution Professional	Company Appeal (AT) (Insolvency) No. 1351 of 2019.  (28 <sup>th</sup> January,2020)	Section 31 of the I&B Code, 2016	Rectification of the Resolution Plan already approved and implemented.	AA had no jurisdiction to allow amendment in the Resolution Plan. Hence the Appeal is allowed and order passed by AA is-set aside.  <a href="#">Click here for full judgement</a>
63	Anjani Gases Vs B.P. Projects Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 661 of 2019.  (29 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Existence of dispute.	There is a record of dispute existence between the parties. Therefore, no interference with the order of AA is called for. The Appeal is dismissed.  <a href="#">Click here for full judgement</a>

64	Krishan Kumar Mittal Vs. GRJ Distributors & Developers Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 579 of 2019.  (30 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Settlement of matter	In view of the settlement of the dispute, the application for withdrawal of appeal is taken on record.  <a href="#">Click here for full judgement</a>
65	Punit Beriwala Vs. M/s. Shambhu Agencies Pvt. Ltd. & Ors	Company Appeal (AT) (Insolvency) No. 104 of 2020.  (30 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Settlement of matter	Since the parties have reached settlement and the allottees have been allotted the flats/premises along with common area etc., the application is disposed as withdrawn.  <a href="#">Click here for full judgement</a>
66	Radhika Mehra Vs. Vaayu Infrastructure LLP & Ors.	Company Appeal (AT) (Insolvency) No. 121 of 2020.  (30 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Delay in filing of Appeal	As the Appeal is filed after 30 days and beyond 15 days thereafter, i.e., after 45 days of the date of the receipt/ knowledge of the order, the NCLAT have no jurisdiction to entertain the Appeal.  <a href="#">Click here for full judgement</a>



67	Gouri Prasad Goenka Vs. Surenda Kumar Agarwal & A	Company Appeal (AT) (Insolvency) No. 105 of 2020.  (30 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Settlement of dues	In view of the settlement of the dues prior to constitution of CoCs, the application preferred u/s 9 of I&B Code is disposed of as withdrawn. The AA to close the proceedings.  <a href="#">Click here for full judgement</a>
68	Shri IRK Raju Vs. Immaneni Eswara Rao & Ors.	Company Appeal (AT) (Insolvency) No. 1058 of 2019.  (30 <sup>th</sup> January,2020)	Section 9 of the I&B Code, 2016	Filing of application fraudulently with malicious intent.	As the insolvency application was moved with malicious intent for extracting more amounts and not for the liquidation or resolution, the order of AA is set aside.  <a href="#">Click here for full judgement</a>
69	Sanjeev Sharma Vs. Aamir Jamal & Anr.	Company Appeal (AT) (Insolvency) No. 1065 of 2019.  (30 <sup>th</sup> January,2020)	Section 7 of the I&B Code, 2016	Settlement of matter	As the settlement has been reached between the parties, order dated 09.10.19 of AA is rejected. The Insolvency application is dismissed.  <a href="#">Click here for full judgement</a>

70	Kundan Care Products Ltd. Vs. Mr. Surya Kanta Satapathy & Ors.	Company Appeal (AT) (Insolvency) Nos. 11 & 75 of 2020.  (30 <sup>th</sup> January,2020)	Section 31 of the I&B Code, 2016	Challenge to approval of 'Resolution Plan'	As no ground has been made to interfere with the 'Resolution Plan' duly approved by the AA, the appeals are dismissed.  <a href="#">Click here for full judgement</a>
71	Oriental Bank of Commerce Vs. M/s Ruchi Global Limited	Company Appeal (AT) (Insolvency) No. 387 of 2019.  (31 <sup>st</sup> January,2020)	Section 7 of the I&B Code, 2016	Dismissal of Insolvency Application	The order of AA dismissing the Insolvency Application cannot be maintained. Hence, the appeal is allowed and order of AA is quashed and set aside.  <a href="#">Click here for full judgement</a>

## FEBRUARY, 2020

01.	Gajendra Sharma Vs. 1.M/s Dinesh Sanitary Store 2. Mr. Rakesh Kumar Jain,	Company Appeal (AT) (Insolvency) No. 119 of 2020.  (2 <sup>nd</sup> February,2020)	Section 9 of the I&B Code, 2016	Settlement of matter	In view of the settlement reached before formation of CoC between the parties, the order dated 04.01.20 of AA is se- aside. Insolvency Application stands disposed of as withdrawn.  <a href="#">Click here for full judgement</a>
02	Nandish Patel Vs. National Company Law Tribunal, Ahmedabad & Ors.	Company Appeal (AT) (Insolvency) No. 233 of 2020.  (2 <sup>nd</sup> February,2020)	Section 9 & 27 of the I&B Code, 2016	Replacement of Insolvency Professional	No interference with the order of AA is required. The appeal is disposed of accordingly.  <a href="#">Click here for full judgement</a>
03	Indian Renewable Energy Development Agency Limited (IREDA) Vs. Mr. T.S.N. Raja	Company Appeal (AT) (Insolvency) No. 899 of 2019.  (3 <sup>rd</sup> February,2020)	Sections 3(6) & 60(5) of the I&B Code, 2016	Rejection of Claim by Insolvency Professional	The Appellant may bring the contingent existing right to the notice of the Successful Resolution Applicant by filing Application before the AA. The AA should note the said right of the Appellant while considering the Resolution Plan.

					<a href="#">Click here for full judgement</a>
04.	Mr. Sanjay Gupta, R.P Vs. Committee of Creditor, Topworth Pipes & Tubes Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 1098 of 2019.  (3 <sup>rd</sup> February,2020)	Section 12 of the I&B Code, 2016	Exclusion of time from the period of completion of Resolution Plan	Since more than 330 days have passed, no interference is called for. However, in view of section 33(1) of IBC, the appeal is disposed of with the direction to RP to call meeting of 'COCs' to proceed further in the matter.  <a href="#">Click here for full judgement</a>
05	Maharashtra State Electricity Transmission Company Limited (MSETCL) Vs. 1.Sri City Private Limited 2 KCR Enterprises LLP 3. Sai Wardha Power Generation Ltd	Company Appeal (AT) (Insolvency) No. 1401 of 2019.  (3 <sup>rd</sup> February,2020)	Section 31(1) of the I&B Code, 2016	Approval of the Resolution Plan	As there is no substance in the appeal, the same is rejected.  <a href="#">Click here for full judgement</a>

	4. Sai Wardha Power Generation Ltd				
06	Urban Infrastructure Trustees Ltd. Vs. Ozone Propex Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 204 of 2020.  (3 <sup>rd</sup> February,2020)	Section 7 of the I&B Code, 2016	Delay in disposal of admission or otherwise of Insolvency Application.	In absence of any stay order passed by the Hon'ble High Court of Karnataka, the Insolvency application should have been decided within 14 days.  <a href="#">Click here for full judgement</a>
07.	Sandeep Diipak Chatterjee Vs. FR Tech Innovations Private Limited	Company Appeal (AT) (Insolvency) No. 192 of 2020.  (3 <sup>rd</sup> February,2020)	Section 7 of the I&B Code, 2016	Claim is not a 'Financial Debt.	As the investment made come within the meaning of 'Financial Debt', the Appeal preferred is dismissed.  <a href="#">Click here for full judgement</a>
08.	Pankaj Lakhamshi Soni Vs. Sand Stone Constructions	Company Appeal (AT) (Insolvency) No. 81 of 2020.  (3 <sup>rd</sup> February,2020)	Section 9 of the I&B Code, 2016	Arrival at an amicable settlement.	In view of the settlement of claim, the appeal no more survives for consideration. Accordingly order of AA is set aside.  <a href="#">Click here for full judgement</a>

09	M/s. Mahendra Investment Advisor Pvt. Ltd. Vs. M/s. Sew Infrastructure Ltd.	Company Appeal (AT) (Insolvency) No. 51 of 2020.  (3 <sup>rd</sup> February,2020)	Section 7 of the I&B Code, 2016	Financial Creditor has already initiated proceedings against Principal Borrower.	. No interference with the order of AA is called for.  <a href="#">Click here for full judgement</a>
10	Flat Buyers Association Winter Hills – 77, Gurgaon Vs. Umang Realtech Pvt. Ltd through IRP & Ors.	Company Appeal (AT) (Insolvency) No. 926 of 2019.  (4 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	CIRP for resolution insisted but without approval of any plan of a third party( Resolution Applicant)	In the present case, Reverse CIRP is to be followed to ensure completion of project.  <a href="#">Click here for full judgement</a>
11	Orbit Lifescience Private Limited Vs. Raj Ralhan	Company Appeal (AT) (Insolvency) No. 846 of 2019.  (4 <sup>th</sup> February,2020)	Sections 9, 14 & 18 of the I&B Code, 2016	Release of Raw Materials/Stocks lying with the Corporate Debtor.	There is no substance in the Appeal. As such, it is dismissed.  <a href="#">Click here for full judgement</a>
12	Vijay Pal Garg & Ors. Vs. Pooja Bahry	Company Appeal (AT) (Insolvency) No. 949 of 2019.  (4 <sup>th</sup> February,2020)	Section 9 & 31 of the I&B Code, 2016	Invoking of Section 210(2) of the Companies Act, 2013	The order passed by the AA is varied/amended and the matter is referred to the Central Government for investigation.  <a href="#">Click here for full judgement</a>

13	Rajesh Goyal Vs. Babita Gupta & Ors	Company Appeal (AT) (Insolvency) No. 1056 of 2019 & I.A. Nos. 4033 & 4303 of 2019.  (5 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	There was no 'default' by the 'Corporate Debtor' in terms of the agreement,	In view of the allottees (Financial Creditors) have reached settlement with the "Promoter" a detailed order is passed for completion of Project.  <a href="#">Click here for full judgement</a>
14	Eastern Electrodes & Coke Pvt. Ltd. Vs. Bhaskar Shrachi Alloys Ltd.	Company Appeal (AT) (Insolvency) No. 931 of 2019.  (5 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute	There is no substance in the Appeal. Hence there is no reason to interfere with the order of the AA. The Appeal stands dismissed.  <a href="#">Click here for full judgement</a>
15	M/s. Carnoustie Management India Pvt. Ltd. Vs. CBS International Projects Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 154 of 2019.  (5 <sup>th</sup> February,2020)	Sections 5(7), 5( 8) &7 of the I&B Code, 2016	Appellant is not a 'Financial Creditor'	On perusal of records, the Appellant cannot be held as a 'Financial Creditor'. Accordingly, the Appeal is dismissed.'  <a href="#">Click here for full judgement</a>

16	M/s.Rliance Asset Reconstruction Company Ltd. Vs. M/s. Hotel Poonja International Private Limited.	Company Appeal (AT) (Insolvency) No. 1011 of 2019.  (5 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	Rejection of Application on the ground that provision of 'Code' has been invoked for recovery of outstandings.	Since the default had occurred well over three years before the date of filing of Insolvency Application it is barred by 'Limitation.' Hence the Appeal is dismissed.  <a href="#">Click here for full judgement</a>
17	Directorate of Economics Offences Vs. Binay Kumar Singhanian & Ors.	Company Appeal (AT) (Insolvency) No. 1361-62 of 2019.  (5 <sup>th</sup> February,2020)	Section 33 of the I&B Code, 2016	Liability to pay Rs. 5.00 lakhs for non-cooperation with Insolvency Professional	While passing the order, the AA exceeded its jurisdiction in imposing the penalty imposed for the alleged contumacious conduct. This part of the order cannot be supported. Appeals allowed to the extent.  <a href="#">Click here for full judgement</a>
18	Yamuna Infradevelopers Pvt. Ltd. Vs. Rakesh Takyar, Resolution	Company Appeal (AT) (Insolvency) No. 158 of 2020  (6 <sup>th</sup> February,2020 )	Section 33 of the I&B Code, 2016	Proposal to settle the claim.	The eligible person may float the proposal in terms of provisions of Section 230 & 232 of the Companies Act, 2013 for its consideration.  <a href="#">Click here for full judgement</a>



	Professional & Ors.				
19	Bank of India, Vs. Multi Arc Coating and Straps Limited	Company Appeal (AT) (Insolvency) No. 891 of 2019  (6 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	Insolvency Application is barred by limitation.	The Adjudicating Authority erred in dismissing the Application. The order of AA is set-aside. AA to admit the application and pass suitable orders.  <a href="#">Click here for full judgement</a>
20	Mr. Manoj Kunwar Vs. 1. Oriental Bank of Commerce 2. M/s Impex Services India Pvt. Ltd 3. 3. Mr. Yogesh Sethi	Company Appeal (AT) (Insolvency) No. 947 of 2019  (6 <sup>th</sup> February,2020)	Section 33 of the I&B Code, 2016	Rejection of OTS proposal.	No interference in the Order of AA is called for. However, Appellant may approach the Liquidator with the proposal.  <a href="#">Click here for full judgement</a>
21	Vijay Kumar V. Iyer Vs. Resolution Professional of Aircel Cellular Ltd	Company Appeal (AT) (Insolvency) Nos. 221, 222 & 223 of 2020.  (6 <sup>th</sup> February,2020)	Section 31 of the I&B Code, 2016	In ordinate delay in disposal of application u/s 31 of the Code	The AA is directed to accord top priority to the matter and make all endeavours for its disposal within 15 days.  <a href="#">Click here for full judgement</a>

22	Committee of Creditors of Metalyst Forging Ltd. Vs. 1. Deccan Value Investors LP, 2. DVI PE (Mauritius) Ltd. 3. Resolution Professional of Metalyst Forgings Limited	Company Appeal (AT) (Insolvency) Nos 1276 & 1281 of 2019.  (7 <sup>th</sup> February,2020)	Section 30 & 31  of the I&B Code, 2016	Refusal to approve the 'Resolution Plan' duly approved by COCs.	No interference is called for in the matter. Both the appeals are dismissed.  <a href="#">Click here for full judgement</a>
23	Nandish Patel Vs. National Company Law Tribunal, Ahmedabad & Ors	Company Appeal (AT) (Insolvency) No. 233 of 2020  (7 <sup>th</sup> February,2020)	Section 27  of the I&B Code, 2016	Replacement of 'Interim Resolution Professional'.	No interference with the order of AA is required. The appeal is disposed of accordingly  <a href="#">Click here for full judgement</a>

24	G. Shivramkrishna Vs. 1.M/s Isgec Covema Limited 2.M/s Om Shakti Renergies Limited,	Company Appeal (AT) (Insolvency) No.1109 of 2019  (7 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	Insolvency application is inadmissible due to various accounts.	The appeal filed is devoid of any merit. Accordingly, it is dismissed.  <a href="#">Click here for full judgement</a>
25	1. The Deputy Commissioner Commercial Taxes (Audit) – 1, Kalaburagi Vs. 2. Surana Industries Ltd. (In Liquidation) & Anr	Company Appeal (AT) (Insolvency) No.1524 of 2019  (7 <sup>th</sup> February,2020)	Sections 39 & 40 of the I&B Code, 2016	Rejection of Claim by Liquidator	In absence of sufficient cause and cogent reason, no interference with the order of AA is called for. The appeal is accordingly dismissed  <a href="#">Click here for full judgement</a>
26	1. The Deputy Commissioner Commercial Taxes (Audit), Raichur Vs. 2. Surana Industries Ltd. (In Liquidation) & Anr	Company Appeal (AT) (Insolvency) No.1525 of 2019  (7 <sup>th</sup> February,2020)	Sections 39 & 40 of the I&B Code, 2016	Rejection of Claim by Liquidator	In absence of sufficient cause and cogent reason, no interference with the order of AA is called for. The appeal is accordingly dismissed  <a href="#">Click here for full judgement</a>

27	<p>1.Mr. Sagar Sharma 2. Mr. Vishal Sharma Vs. 1. Phoenix ARC Private Limited. 2. Hotel Horizon Private Limited 3. Mr. Jayesh H. Shah</p>	<p>Company Appeal (AT) (Insolvency) No.177 of 2019&amp; IA Nos.3392 &amp;3542 of 2019.  (7<sup>th</sup> February,2020)</p>	<p>Sections 7 of the I&amp;B Code, 2016</p>	<p>Insolvency Application was barred by limitation</p>	<p>The order passed by the AA is set aside as the Insolvency Application was filed much after three years of the cut-off period of default.  <a href="#">Click here for full judgement</a></p>
28	<p>Sh G Eswara Rao Vs. 1.Stressed Assets Stabilisation Fund 2. M/s Saritha Synthetics &amp; Industries Ltd</p>	<p>Company Appeal (AT) (Insolvency) No.1097 of 2019.  (7<sup>th</sup> February,2020)</p>	<p>Sections 7 of the I&amp;B Code, 2016</p>	<p>Insolvency Application is barred by limitation.</p>	<p>The AA wrongly held that the date of default took place when the judgment and decree was passed by DRT. As such, application filed was barred by limitation. Hence, the order passed is set-aside.  <a href="#">Click here for full judgement</a></p>
29	<p>Sh. Phool Chand Goyal Vs.</p>	<p>Company Appeal (AT) (Insolvency) No.1393 of 2019.</p>	<p>Sections 9 of the I&amp;B</p>	<p>Settlement of matter</p>	<p>As the matter has been settled prior to constitution of the “CoCs”, the order of</p>

	1. Avneet Goyal 2. M/s Black Diamond Pulses Pvt. Ltd.	(7 <sup>th</sup> February,2020)	Code, 2016		AA is set-aside and the insolvency petition is disposed of as withdrawn.  <a href="#">Click here for full judgement</a>
30	Action Barter Private Limited Vs. 1. SREI Equipment Finance Limited 2. Shree Ram Urban Infrastructure Ltd	Company Appeal (AT) (Insolvency) No.1434 of 2019.  (7 <sup>th</sup> February,2020)	Sections 7 & 11 of the I&B Code, 2016	Winding up Petition against “CD” has already been admitted by the Hon’ble High Court & Provisional Liquidator appointed.	The Insolvency Application by the Respondent – SERI Equipment Finance Limited is not maintainable.  <a href="#">Click here for full judgement</a>
31	Anubhav Anilkumar Agarwal Vs. 1. Bank of India 2. RNA Corp. Pvt. Ltd.,	Company Appeal (AT) (Insolvency) No.1504 of 2019.  (7 <sup>th</sup> February,2020)	Sections 7 of the I&B Code, 2016	1.The Application was barred by limitation 2.Bank of India already moved second Application for the same set of claim against Chamber Constructions Pvt. Ltd., Guarantor)	As the period of limitation stands shifted to the date on which the ‘Corporate Debtor’ agreed to pay the debt, the Insolvency Application was not barred by limitation.  As the appeal is devoid of any merit, it stands dismissed.  <a href="#">Click here for full judgement</a>

32	Dhiraj Prabhu Vs. Rajeev Shetty & Anr.	Company Appeal (AT) (Insolvency) No.1501 of 2019.  (7 <sup>th</sup> February,2020)	Sections 9 of the I&B Code, 2016	1. Application was barred by limitation. 2. Settlement of matter.	In view of the settlement reached between the parties, withdrawal of the insolvency application is permitted.  <a href="#">Click here for full judgement</a>
33	Maharashtra State Load Dispatch Center (MSLDC) Vs. Sri City Pvt. Ltd. & Ors.	Company Appeal (AT) (Insolvency) No.235 of 2020.  (7 <sup>th</sup> February,2020)	Sections 31 & 61(2) of the I&B Code, 2016	Approval of the Resolution Plan	As the Appellate Tribunal has no power to condone delay beyond 15 days after 30 days of the prescribed period for preferring the appeal, it is dismissed on the ground of delay.  <a href="#">Click here for full judgement</a>
34	Ashish Chaturvedi Vs. 1.Inox Leisure Ltd 2.Anoop Kumar Goyal 3. A to Z Barter Pvt. Ltd.	Company Appeal (AT) (Insolvency) No.05 of 2020.  (10 <sup>th</sup> February,2020)	Sections 12 of the I&B Code, 2016	Exclusion of Time	The order passed by AA is free from any legal infirmities. As such, the Appeal fails and the same is dismissed.  <a href="#">Click here for full judgement</a>

35	Jindal Stainless Ltd. Vs. 1. Cosmic Ferro Alloys Ltd. 2. United Tradeco FZC & QVC	Company Appeal (AT) (Insolvency) No.1042 of 2019.  (10 <sup>th</sup> February,2020)	Sections 7 & 31 of the I&B Code, 2016	Consideration of additional claim against the “CD”	There is no substance in the Appeal. Hence it is dismissed.  <a href="#">Click here for full judgement</a>
36	Duke Sponge and Iron Pvt. Ltd Vs. 1. Laxmi Foils Private Limited 2. Mr. Rajesh Jain 3. Mr. Vijay Jain 4. Mr. Ram Niwas Jain	Company Appeal (AT) (Insolvency) No.950 of 2019.  (10 <sup>th</sup> February,2020)	Sections 9 of the I&B Code, 2016	Pre-existence of dispute	The AA has rightly dismissed the insolvency application. The Appeal is dismissed, accordingly.  <a href="#">Click here for full judgement</a>
37	M/s Ansal Properties & Infrastructure Ltd. Vs. M/s MGF Developments Ltd.	Company Appeal (AT) (Insolvency) No.937 of 2019.  (11 <sup>th</sup> February,2020)	Sections 5 & 9 of the I&B Code, 2016	No relationship between Appellant and Respondent as ‘Operational Creditor’ and ‘Corporate Debtor’	Adjudicating Authority has rightly rejected the Insolvency as not maintainable. Accordingly, the Appeal is dismissed.  <a href="#">Click here for full judgement</a>

38	M/s B.E. Billimoria and Company Ltd. Vs. M/s Vikram Ispat Udyog	Company Appeal (AT) (Insolvency) No.477 of 2019.  (11 <sup>th</sup> February,2020)	Sections 9 of the I&B Code, 2016	Granting interest @ 12% p.a. for delayed payment.	Order passed by the AA is well within the jurisdiction. Hence there is no ground to interfere with the order. The appeal is dismissed.  <a href="#">Click here for full judgement</a>
39	Mr Savan Godiwala Vs. Mr. Apalla Siva Kumar	Company Appeal (AT) (Insolvency) No.1229 of 2019.  (11 <sup>th</sup> February,2020)	Sections 36(4) 53 of the I&B Code, 2016	Payment of Gratuity.	AA erred in directing the Liquidator to make provision for payment of Gratuity to workers. Thus, Appeal is allowed and the direction to Liquidator' to make provision for payment of Gratuity, without their being a separate fund in this regard, is set -aside  <a href="#">Click here for full judgement</a>
40	M/s Steel India Vs. Theme Developers Pvt. Ltd.	Company Appeal (AT) (Insolvency) No.1014 of 2019.  (11 <sup>th</sup> February,2020)	Sections 5 & 9 of the I&B	Pre-existence of dispute	The AA has rightly rejected the Insolvency Application. The Appeal is dismissed.  <a href="#">Click here for full judgement</a>



			Code, 2016		
41	K. B. Polychem (India) Ltd. Vs. Kaygee Shoetech Private Limited	Company Appeal (AT) (Insolvency) No.1010 of 2019.  (11 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	Service of the demand notice of the Corporate Debtor is not established.	The AA erred in rejecting the application. Hence, the Appeal is allowed and the order of AA is set-aside. Further, the AA is directed to pass the order of admission.  <a href="#">Click here for full judgement</a>
42	Vivek Goel Vs. Pooja Finelease Ltd. & Anr	Company Appeal (AT) (Insolvency) No.152 of 2020.  (11 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	Permission of withdrawal the Appeal	The Insolvency petition filed has been dismissed as withdrawn by AA. Hence, as requested, the appellant is permitted to withdraw the Appeal.  <a href="#">Click here for full judgement</a>
43	Amrender Thakur & Ors. Vs. M/s. AVJ Developers (India) Pvt. Ltd. & Ors.	Company Appeal (AT) (Insolvency) No.199 of 2020.  (11 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	Grievances against IRP	Appeal is time barred and accordingly it is disposed of.  <a href="#">Click here for full judgement</a>

44	A. Srinivasan Vs. PMI Engineering Exports Pvt. Ltd	Company Appeal (AT) (Insolvency) No.45 of 2020.  (11 <sup>th</sup> February,2020)	Section 12A of the I&B  Code, 2016	'Memorandum of Understanding arrived at between the parties.	Considering the fact that 'Memorandum of Understanding dated was arrived at between the parties, the present Appeal is disposed of. However, liberty is granted to the Appellant to file a necessary application under Section 12A before the Competent Forum.  <a href="#">Click here for full judgement</a>
45	Ranjit Kapoor Vs. Asset Reconstruction Company (India) Ltd & Anr	Company Appeal (AT) (Insolvency) No.256 of 2020.  (11 <sup>th</sup> February,2020)	Section 7 of the I&B  Code, 2016	Application is barred by Limitation.	The appeal is <i>per se</i> not maintainable. Accordingly, the appeal is dismissed as not maintainable  <a href="#">Click here for full judgement</a>
46	Arunkant Rai Vs. 1. Allahabad Bank 2. Suman Agritech Limited	Company Appeal (AT) (Insolvency) No.1251 of 2019.  (11 <sup>th</sup> February,2020)	Section 7 of the I&B  Code, 2016	As per documents entered in to by the Allahabad Bank and IDBI, permission of IDBI Bank was required to file Insolvency petition.	There is no bar in law for the Bank which has declared 'NPA' to proceed and file proceedings notwithstanding consortium agreement between Banks. There is no substance in the Appeal. Hence dismissed.  <a href="#">Click here for full judgement</a>

47	Aashish Mohan Gupta, Vs 1. Hind Inn and Hotels Ltd. 2. CTC Projects Private Limited,	Company Appeal (AT) (Insolvency) No.1282 of 2019.  (12 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	1. Retention Money does not fall within the definition of Operational Debt. 2. Operational Creditor does not fall within the definition of Operation Creditor. 3. Claim is time barred. 4. Pre-existence of dispute	There is no illegality in the order passed by the Adjudicating Authority. Appeal is devoid of merits and is dismissed.  <a href="#">Click here for full judgement</a>
48	Indo Alusys Industries Limited Vs SMW Metal Private Limited	Company Appeal (AT) (Insolvency) No.409 of 2019.  (13 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	Existence of dispute prior to the filing of the case.	There is no ground to interfere with the AA order. As there is no substance in the Appeal, it is dismissed  <a href="#">Click here for full judgement</a>
49	M/s. Lloyd Insultations (India) Ltd. Vs.	Company Appeal (AT) (Insolvency) No.278 of 2020	Section 9 of the I&B	Pre-existence of dispute.	As there was Pre-existence of dispute, the appeal is dismissed.  <a href="#">Click here for full judgement</a>

	M/s. Sintex Prefab & Infra Ltd.	(14 <sup>th</sup> February,2020)	Code, 2016		
50	Saurav Mukherjee Vs. 1. Oriental Bank of Commerce 2. RDH Technologies Private Limited	Company Appeal (AT) (Insolvency) Nos.940 & 941 of 2019  (14 <sup>th</sup> February,2020)	Section 7 of the I&B  Code, 2016	Law of Limitation	The petition filed by the Oriental Bank of Commerce is not barred by limitation. Hence Appeals are rejected.  <a href="#">Click here for full judgement</a>
51	Hammond Power Solutions Private Limited Vs 1. Mr. Sanjit Kumar Nayak 2. The Committee of the Creditors and three others	Company Appeal (AT) (Insolvency) No. 606 of 2019  (14 <sup>th</sup> February,2020)	Sections 30 & 31 of the I&B  Code, 2016	Resolution Plan, approved by CoCs, submitted to the AA for approval	The Resolution Plan approved by CoCs does not appear to have taken care of interest of all stakeholders. Hence, the order of AA is set aside with the directions to send back the Resolution Plan to CoCs to resubmit the Plan after satisfying the parameters as laid down by Hon'ble Supreme Court.  <a href="#">Click here for full judgement</a>
52	Ashish Kumar Vs.	Company Appeal (AT) (Insolvency) No. 1411 of 2019	Section 7 of the I&B	Application is barred by Limitation	The petition filed is not barred by limitation. Hence Appeal is rejected  <a href="#">Click here for full judgement</a>

	<p>1. Mr. Vinod Kumar Pukhraj Ambavat</p> <p>2.M/s ASREC (India) Limited</p>	(17 <sup>th</sup> February,2020)	Code, 2016		
53	<p>JSW Steel Ltd. Vs. Mahender Kumar Khandelwal &amp; Ors.</p>	<p>Company Appeal (AT) (Insolvency) No. of 957, 1034, 1035 of 2019 and others</p> <p>(17<sup>th</sup> February,2020)</p>	<p>Section 31 of the I&amp;B Code, 2016</p>	<p>1. Setting aside/modifications of approved Resolution Plan.</p> <p>2.Attachment of properties by Directorate .of Enforcement</p> <p>3. JSW Steel Limited is barred under Section 29A</p>	<p>The order of AA dated 05.09.19 is approved with modifications.</p> <p>2. The appeals preferred by ‘Mr. Sanjay Singal’, ‘Kalyani Transco’, ‘Jaldhi Overseas Pte.’, ‘Medi Carrier Pvt. Ltd.’, ‘CJ Darcl Logistics Ltd.’ and ‘State of Odisha &amp; Ors.’ are dismissed.</p> <p>3. The application for Impleadment of Mrs. Aarti Singal, equity shareholder and guarantor of the ‘Corporate Debtor’ is also rejected.</p> <p><a href="#">Click here for full judgement</a></p>

54	Sartaj Ali Vs. Madhu Khandelwal & Anr.	Company Appeal (AT) (Insolvency) No. 279 of 2020  (17 <sup>th</sup> February,2020)	Section 9 of the I&B  Code, 2016	Settlement of issue	AS the parties have reached settlement and the 'Committee of Creditors' has not been constituted, the order of AA is set-aside. Insolvency Application is disposed of as withdrawn  <a href="#">Click here for full judgement</a>
55	Bank of India Vs. Royal Splendour Developers Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 281 of 2020  (17 <sup>th</sup> February,2020)	Section 31 of the I&B  Code, 2016	Modification of Resolution Plan.	The Appeal does not make out a case to interfere. There is no substance in the Appeal.  <a href="#">Click here for full judgement</a>
56	IFCI Ltd. Vs. M/s ACCIL Hospitality Ltd	Company Appeal (AT) (Insolvency) No. 1422 of 2019  (17 <sup>th</sup> February,2020)	Section 7 of the I&B  Code, 2016	Duplicity of claims	The AA order does not suffer from any legal infirmity. There being no merit in the appeal, The same is dismissed.  <a href="#">Click here for full judgement</a>
57	Meena V Kothari Vs.	Company Appeal (AT) (Insolvency) No. 797 of 2019	Section 7 of the I&B	Debt is not due i.e., not payable.	Application is barred by limitation, Hence liable to be rejected.

	M/S Maberest Hotels Pvt. Ltd.	(17 <sup>th</sup> February,2020)	Code, 2016		The AA rejected the application on the ground that debt is not due, it is not correct. The Appeal is dismissed.  <a href="#">Click here for full judgement</a>
58	Anirudha Wankhede Vs. Association Road Carriers Ltd. & Anr.	Company Appeal (AT) (Insolvency) No.228 of 2020  (18 <sup>th</sup> February,2020)	Section 12 A of the I&B Code, 2016	Settlement of Claims	In view of the development, the appeal is disposed of with direction to Appellant to approach the IRP for placing the matter before the AA  <a href="#">Click here for full judgement</a>
59	R. Balasubramanian Vs. M/s. ABB India Ltd. & Anr	Company Appeal (AT) (Insolvency) No.282 of 2020  (18 <sup>th</sup> February,2020)	Sections 9 & 12 A of the I&B Code, 2016	Withdrawal of the Application	As the Appeal is premature, it is not entertained at this stage. The Appeal is disposed.  <a href="#">Click here for full judgement</a>
60	Mrs. R. Mangalam Vs.	Company Appeal (AT) (Insolvency) No.1067 of 2019	Section 7 of	Application is time barred.	Application filed was hopelessly barred by limitation and there is no error in the

	M/S SPML Infra Ltd	(18 <sup>th</sup> February,2020)	the I&B Code, 2016		Order of the Adjudicating Authority. The Appeal is disposed of, accordingly.  <a href="#">Click here for full judgement</a>
61	Gurdeep Singh Anand & Anr. Vs. ASP Sealing Products Ltd.	Company Appeal (AT) (Insolvency) No.288 of 2019  (19 <sup>th</sup> February,2020)	Section 12 A of the I&B Code, 2016	Settlement of Claims	Since settlement agreement has been executed, the Appeal is dismissed as withdrawn. Parties are directed to approach AA for filling of application u/s 12A.  <a href="#">Click here for full judgement</a>
62	M/s Regal Engineers & Construction (P) Ltd. Vs. M/s Endee Shelter Properties Pvt. Ltd.	Company Appeal (AT) (Insolvency) No.300 of 2020  (19 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	Dispute in quality of work.	There is no substance in the Appeal. Therefore, it is dismissed  <a href="#">Click here for full judgement</a>
63	Mr. Vijaykumar Vs.	Company Appeal (AT) (Insolvency) No.1207 of 2019	Sections 9 & 33 of	CIRP did not go through the regular process	As the dues have been settled of the only 'FC' and all the four 'OCs', the order



	1. Mr. Gopalsamy Ganesh Babu 2. ICICI Bank 3. Income Tax Officer	(19 <sup>th</sup> February,2020)	the I&B Code, 2016		of liquidation and earlier proceedings of initiation of CIRP is set aside.  <a href="#">Click here for full judgement</a>
64	K.L.Jute Products Private Limited Vs. 1.Tirupti Jute Industries Ltd 2.Daaksh Jute LLP & Nine others	Company Appeal (AT) (Insolvency) No.277 of 2019  (20 <sup>th</sup> February,2020)	Sections 7 & 31 of  the I&B Code, 2016	Rejection of Resolution Plan.	The order passed by AA in rejecting the Resolution Plan and appointing a Liquidator is free from any legal flaws. The Appeal filed sans merits and the same is dismissed.  <a href="#">Click here for full judgement</a>
65	Bank of Baroda Vs Mr. Sundaresh Bhatt,	Company Appeal (AT) (Insolvency) No.635 of 2019  (20 <sup>th</sup> February,2020)	Section 14 of  the I&B Code, 2016	Roll back/ reversal of the wrongfully appropriated amount	There is no substance in the Appeal and is dismissed.  <a href="#">Click here for full judgement</a>
66	Rakesh Kumar Gupta Vs. 1. Mahesh Bansal	Company Appeal (AT) (Insolvency) No 1408 of 2019  (20 <sup>th</sup> February,2020)	Section 7 of  the I&B Code, 2016	1.Non-service of Notice 2. Proceedings under the SARFAESI Act,2002	There is no substance in the Appeal. Hence dismissed.  <a href="#">Click here for full judgement</a>

	2. Punjab National Bank				
67	Anubhav Anilkumar Agarwal Vs. 1. Om Prakash Rohra 2. M/s. AA Estate Private Limited	Company Appeal (AT) (Insolvency) No 1455 of 2019  (24 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	'pre-existing disputes'	The order passed by the AA in admitting application is free from any legal infirmity. Resultantly, the Appeal is devoid of merits and the same is dismissed  <a href="#">Click here for full judgement</a>
68	Panch Tatva Promoters Pvt. Ltd. Vs. GPT Steel Industries Ltd.	Company Appeal (AT) (Insolvency) No 316 of 2020  (24 <sup>th</sup> February,2020)	--	To consider Revised Resolution Plan	As the matter is still pending before AA, the Appeal filed is pre-mature and also an otiose one. No views are being expressed. Meanwhile, the AA is directed to dispose of IA within a week.  <a href="#">Click here for full judgement</a>
69	Mahalaxmi Spinning & Weaving Mills Pvt. Ltd Vs.	Company Appeal (AT) (Insolvency) No 317 of 2020  (24 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	Maliciously proceeding against the RP and disturbing the CIRP process which amounts to Contempt of Court.	The order of the AA is suitably modified by deleting the relative portion from the order.  <a href="#">Click here for full judgement</a>

	<p>1. Maruti Cotex Ltd. &amp; Ors</p> <p>2. State of Maharashtra</p> <p>3. Police Inspector</p> <p>4. JM financial Asset Reconstruction Company Pvt. Ltd</p>				
70	<p>Neeraj Jain Vs.</p> <p>1. Cloudwalker Streaming Technologies Private Limited</p> <p>2. Flipkart India Private Limited</p>	<p>Company Appeal (AT) (Insolvency) No 1354 of 2019</p> <p>(24<sup>th</sup> February,2020)</p>	<p>Section 9 of the I&amp;B Code, 2016</p>	<p>There is no debt or liability</p>	<p>The Operational Creditor failed to prove existence of the Operational debt and the amount in default. In the circumstances the Appeal deserves to be allowed and order passed by the AA is set aside.</p> <p><a href="#">Click here for full judgement</a></p>

71	Reliance India Power Fund, Reliance Capital Trustee Company Limited Vs. Mr. Raj Kumar Ralhan Liquidator Respondent Liquidator	Company Appeal (AT) (Insolvency) No 318 of 2020  (24 <sup>th</sup> February,2020)	Sections 33 & 35 of the I&B Code, 2016	To defend the legal proceedings	There is no ground to interfere with the order passed by AA. The Appeal is dismissed at the stage of admission.  <a href="#">Click here for full judgement</a>
72	Neeta Saha, Member of Suspended Board of Palm Developers Pvt. Ltd. Vs 1. Mr. Ram Niwas Gupta 2. Palm Developers Pvt. Ltd.	Company Appeal (AT) (Insolvency) No 321 of 2020  (25 <sup>th</sup> February,2020)	Sections 3(23) & 9 of the I&B Code, 2016	Application was filed in the name of sole proprietorship firm	There is no substance or merit in the Appeal. Hence, not admitted.  <a href="#">Click here for full judgement</a>

73	State Bank of India Vs. 1. Maithan Alloys Limited 2. Sova Electrocasting Limited 3. Typhoon Financial Services Limited 4. Sonar Bangla Career Academy Pvt. Ltd 5. Mr. Samir Kumar Bhattacharya	Company Appeal (AT) (Insolvency) Nos. 1245-1247 of 2019  (26 <sup>th</sup> February,2020)	Section 33, 35 &61 of the I&B Code, 2016.	1.Completion of Sale transactions by R1 2. Derailment and delaying of sale proceedings.	1. Appeal is allowed by setting aside orders dated 25.09.19, 23.10.19 & 06.11.19 with direction to R1 to complete sale transaction.  2. Respondent R-2 to R-4 is imposed a fine of Rs. 10 Lakhs each as they have hampered & derailed the liquidation process.  <a href="#">Click here for full judgement</a>
74	Punjab National Bank Vs. M/s Vindhya Cereals Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 854 of 2019  (26 <sup>th</sup> February,2020)	Sections 7 & 238 of the I&B Code, 2016	Initiation of parallel proceedings under SARFAESI Act. 2 Filing of parallel proceedings attracts proceedings under Section 65 of I&B code	The Financial Creditor can proceed simultaneously under SARFAESI Act, 2002 as well as under I&B Code. The order of the AA is set-aside. Further, the AA to decide the pending application expeditiously.  <a href="#">Click here for full judgement</a>

75	Pacific World Shipping Vs. 1. Dadi Impex Pvt. Ltd. 2. State Bank of India 3. Mr. Dhiren S Shah	Company Appeal (AT) (Insolvency) No. 728 of 2019  (28 <sup>th</sup> February,2020)	Sections 9 & 31 of the I&B Code, 2016	Discrimination against 'Operational Creditors'.	No interference is called for with the order of AA approving Resolution Plan. However, Monitoring Committee is directed to enforce modification 'b' stipulated by AA in their order.  <a href="#">Click here for full judgement</a>
76	Rupesh Kumar Gupta Vs. 1. Punjab National Bank 2. M/s Kut Energy Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 1119 of 2019  (28 <sup>th</sup> February,2020)	Section 7 of the I&B Code, 2016	Claim was time-barred.	As Insolvency Application was not barred by Limitation, the Appeal is dismissed.  <a href="#">Click here for full judgement</a>
77	Mr. K.C. Sanjeev Vs. 1. Mr. Easwara Pillai Kesavan Nair 2. State Bank of India	Company Appeal (AT) (Insolvency) No. 1427 of 2019  (28 <sup>th</sup> February,2020)	Section 9 of the I&B Code, 2016	Settlement of Claim and grievances against IRP	In view of the circumstance, the Appellant should follow procedure under Section 12 A of IBC & IRP & CoC need to urgently complete the process. Till the CoC takes this decision, the IRP is not to take any further steps with regard to the CIRP

	3 Sidhi Vinayak Enterprises				<a href="#">Click here for full judgement</a>
<b>MARCH, 2020</b>					
01	Refex Energy Ltd. Vs. Jackson Engineers Ltd	Company Appeal (AT) (Insolvency) No. 356 of 2020  (2 <sup>nd</sup> March,2020)	Section 9 of the I&B Code, 2016	Settlement of Claim	Settlement of Claim is allowed. AA is directed to close the case.  <a href="#">Click here for full judgement</a>
02	Living Consumer Products Private Limited Vs. Play Games 24x7 Private Limited	Company Appeal (AT) (Insolvency) No. 1436 of 2019  (2 <sup>nd</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute.	As there was pre-existing dispute, the Adjudicating Authority rightly rejected the Application. The Appeal is dismissed.  <a href="#">Click here for full judgement</a>
03	Anil Duggal Vs. & Ceilings Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 189 of 2020  (2 <sup>nd</sup> March,2020)	Section 9 of the I&B Code, 2016	Ex parte order	On perusal of records, there is no justification for interference in the order of AA. The Appeals is dismissed.  <a href="#">Click here for full judgement</a>

04	Liberty House Group Pte. Ltd. Vs. State Bank of India & Ors. And two more appeals	Company Appeal (AT) (Insolvency) No. 724, 725 & 870 of 2019  (3 <sup>rd</sup> March,2020)	Section 7 of the I&B Code, 2016	Non-implementation of 'Resolution Plans'	As both the 'Resolution Plans' are now being implemented, the order passed by AA is set aside. Appeal Nos. 724 & 725 are allowed and Appeal No. 870 stands disposed of  <a href="#">Click here for full judgement</a>
05	D & I Taxcon Services Private Limited, Vs. Mr. Vinod Kumar Kothari,	Company Appeal (AT) (Insolvency) No. 1347 of 2019  (3 <sup>rd</sup> March,2020)	Section 36 ,38 ,41, 47 of the I&B Code, 2016	Allegations against Liquidator.	The view taken by the AA does not suffer from any legal infirmity or factual frailty. The Appeal is dismissed. However, direction of AA to slap a cost of Rs. 1.00 lac is set-aside.  <a href="#">Click here for full judgement</a>
06	Anju Industries Vs. Supervising Agency of Rishi Ganga Power Corporation Ltd.	Company Appeal (AT) (Insolvency) No. 04 of 2020  (3 <sup>rd</sup> March,2020)	Sections 18 & 31 of the I&B Code, 2016	Non-consideration of Claim and wrongly rejected by Monitoring Agency	No merit in the Appeal. Hence, dismissed.  <a href="#">Click here for full judgement</a>
07	Mr. D.S. Reddy Vs.	Company Appeal (AT) (Insolvency) No. 96 of 2020	Section 9 of	Settlement of the dispute	Settlement of the dispute reached prior to constitution of CoCs. Therefore,



	1. Eco Drilling Fluids Pvt. Ltd 2. Mr. Dharm Vir Gupta 3. DSTR Infrastructure & Projects LLP	(3 <sup>rd</sup> March,2020)	the I&B Code, 2016		request for withdrawal of application is accepted. The AA Order is quashed and set– aside.  <a href="#">Click here for full judgement</a>
08	Prayag Polytech Private Limited Vs. Iworld Digital Solution Private Limited	Company Appeal (AT) (Insolvency) No. 625 of 2019  (3 <sup>rd</sup> March,2020)	Section 7 of the I&B Code, 2016	There is no debt and default.	As the Appellant has failed to make out case that there is debt which is admitted and enforceable and that it is in default. Therefore, the Appeal is dismissed.  <a href="#">Click here for full judgement</a>
09	Kotak Mahindra Bank Appellant Vs Testtex India Laboratories Pvt Ltd & Ors	Company Appeal (AT) (Insolvency) No. 1513 of 2019  (3 <sup>rd</sup> March,2020)	Section 7 of the I&B Code, 2016	Non-Settlement of dispute..	As the Respondent is a defaulter, the AA order is not sustainable in law as well as in facts. The order of the AA is set-aside and the matter is remitted to AA for deciding the application afresh.  <a href="#">Click here for full judgement</a>

10	Punjab National Bank Vs 1.State Bank of India 2.Mr. Anil Kohli,	Company Appeal (AT) (Insolvency) No. 1484 of 2019  (3 <sup>rd</sup> March,2020)	Section 7 of the I&B Code, 2016	Claim of the Appellant over the stock pledged.	The claim of Appellant be kept in consideration while dealing with the Resolution Plan, if any, and/or in case of liquidation.  <a href="#">Click here for full judgement</a>
11	Union of India Vs Shri Lakshmi Cotyn Ltd.	Company Appeal (AT) (Insolvency) No. 374 of 2019  (3 <sup>rd</sup> March,2020)	Section 7 of the I&B Code, 2016	Delay in disposal of Liquidation Application.	AA to take up the Liquidation Application for disposal at the earliest and make all possible endeavours to pass appropriate orders thereon within 10 days. The Appeal is accordingly disposed of.  <a href="#">Click here for full judgement</a>
12	Techno Electric & Engineering Co. Ltd. Vs. McLeod Russel India Ltd	Company Appeal (AT) (Insolvency) No. 367 of 2020  (3 <sup>rd</sup> March,2020)	Section 7 of the I&B Code, 2016	Delay in disposal of Application	Adjudicating Authority to accord priority to the matter and make all endeavours to pass the order at the admission stage within 15 days.  <a href="#">Click here for full judgement</a>

13	Union of India Vs. Vijaykumar V.Iyer	Company Appeal (AT) (Insolvency) No. 378 of 2020  (4 <sup>th</sup> March,2020)	Section 14 of the I&B Code, 2016	Whether licence to run telecom business and spectrum of which right to use has been granted is subject to Moratorium	The appeal is dismissed as time barred.  <a href="#">Click here for full judgement</a>
14	T. Johnson, Of St. John Freight Systems Limited Vs. 1.St. John Freight Systems Limited 2.Phoenix ARC Private Limited	Company Appeal (AT) (Insolvency) No. 1402 of 2019  (4 <sup>th</sup> March,2020)	Section 33 of the I&B Code, 2016	Non-reconsideration of Resolution Plan	The AA passed the order for initiation of the 'Liquidation Process of the Corporate Debtor', which is free from any legal flaw. Consequently, the Appeal filed is devoid of merits. Hence it is dismissed.  <a href="#">Click here for full judgement</a>
15	Heavy Metal & Tubes Ltd. Vs. Bank of Baroda	Company Appeal (AT) (Insolvency) No. 375 of 2020  (4 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	Correction of typing / clerical error.	There is no ground to interfere with the order of AA. The Appeal is dismissed.  <a href="#">Click here for full judgement</a>
16	Pradip Kumar Chaudhuri Vs. M/s Dagcon (India) Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 241 of 2020	Section 7 of the I&B	Non-cooperation by the Directors/officer of 'CD' to Insolvency Professional	The promoters assured to cooperate with the Insolvency Professional. He is directed to proceed in accordance with law and the guidelines issued in "Flat

		(4 <sup>th</sup> March,2020)	Code, 2016		Buyers Association Winter Hills-77” case.  <a href="#">Click here for full judgement</a>
17	Jitendra Narayan Vs. Integrated Batteries India Pvt. Ltd. & Anr	Company Appeal (AT) (Insolvency) No. 206 of 2020  (4 <sup>th</sup> March,2020)	Section 12 A of the I&B  Code, 2016	The matter has been settled between the parties.	The Appellant is permitted to withdraw the Appeal. He is to file application u/s 12A  <a href="#">Click here for full judgement</a>
18	Vimal Mafatlal Patel Vs. Bank of India	Company Appeal (AT) (Insolvency) No. 381 of 2020  (4 <sup>th</sup> March,2020)	Section 7 of the I&B  Code, 2016	Proceedings under SARFAESI Act, 2002.	The appeal is allowed to be withdrawn with liberty to move application before Adjudicating Authority as requested by Appellant.  <a href="#">Click here for full judgement</a>
19	Pammi Singh & Anr. Vs. Shouryashubham Infrastructures Pvt. Ltd.	Company Appeal (AT) (Insolvency) No. 380 of 2020  (4 <sup>th</sup> March,2020)	Section 7 of the I&B  Code, 2016	Delay in disposal of application as the Appellant case is not to take benefit as an allottee.	The Appellant is at liberty to move application before the AA raising issue for its decision.  <a href="#">Click here for full judgement</a>

20	Vidarbha Industries Power Ltd. Vs Axis Bank Ltd.	Company Appeal (AT) (Insolvency) No. 389 of 2020  (4 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	Non-disposal of Miscellaneous Application( MA)	AS no specific order has been passed by the Adjudicating Authority on the MA, the Appellant can raise the issue before the AA.  <a href="#">Click here for full judgement</a>
21	Central Transmission Utility, Vs. 1.Korba West Power Company Limited 2. Mr. Abhijit Guhathakurta 3. Adani Power Ltd. 4. Committee of Creditors	Company Appeal (AT) (Insolvency) No. 1334 of 2019  (5 <sup>th</sup> March,2020)	Sections 10 & 31 of the I&B Code, 2016	Delay in filling in Appeal	The Appeal is time barred and the same is dismissed  <a href="#">Click here for full judgement</a>
22	Digamber Bhandwe, Director Raipur Tresure	Company Appeal (AT) (Insolvency) No. 1379 of 2019	Section 7 of the I&B	Application was time-barred.	As the Insolvency Application was time barred, the order of the AA is set-aside

	Island Private Limited Vs. JM Financial Asset Reconstruction Company Limited	(5 <sup>th</sup> March,2020)	Code, 2016		and the Insolvency application.is dismissed.  <a href="#">Click here for full judgement</a>
23	Deepakk Kumar Vs. 1. M/s Phoenix ARC Pvt. Ltd. 2. M/s. Sovereign Developers and Infrastructure Ltd	Company Appeal (AT) (Insolvency) No. 848 of 2019  (5 <sup>th</sup> March,2020)	Section 7 of the I&B  Code, 2016	Validity, correctness and legality of AA order are challenged.	The order by the AA is free from any legal error. Further, The application filed was not time barred. As such, the present Appeal is bereft of any merits and the same is dismissed.  <a href="#">Click here for full judgement</a>
24	Ashish Prakash Chandra Gandhi Vs Trau Bros NV & Anr.	Company Appeal (AT) (Insolvency) No. 323 of 2019  (5 <sup>th</sup> March,2020)	Section 9 of the I&B  Code, 2016	Settlement of matter	The Appeal is disposed of as per consent terms. Further, AA is directed to close the case.  <a href="#">Click here for full judgement</a>
25	Varsha Jain Vs.	Company Appeal (AT) (Insolvency) No. 250 of 2020	Section 7 of the I&B	Claim is not a 'Financial Debt'	The Appellant failed to demonstrate that the amount claimed to have been invested falls within the ambit of a

	ISEO Chemdis Pvt. Ltd.	(5 <sup>th</sup> March,2020	Code, 2016		'financial debt'. No merit in this appeal. Hence, dismissed.  <a href="#">Click here for full judgement</a>
26	Shri Arjun Vs. Anand Nirogdham Respondent/ Respondent Hospital Pvt. Ltd	Company Appeal (AT) (Insolvency) No. 1108 of 2019  (5 <sup>th</sup> March,2020	Section 7 of the I&B Code, 2016	Settlement of dispute	In view of the settlement of dispute, the Appeal is disposed of as withdrawn.  <a href="#">Click here for full judgement</a>
27	Bimalkumar Manubhai Savalia Vs. 1. Bank of India 2. Chandra Prakash Jian	Company Appeal (AT) (Insolvency) No. 1166 of 2019  (5 <sup>th</sup> March,2020	Section 7 of the I&B Code, 2016	Application filed was time barred	As the Insolvency Application filed is beyond the period of limitation, the order of AA is quashed and set-aside.  <a href="#">Click here for full judgement</a>
28	Shrawan Kumar Agrawal Consortium Vs. 1.Rituraj Steel Private Limited	Company Appeal (AT) (Insolvency) No. 1490 of 2019, 78 & 184 of 2020  (5 <sup>th</sup> March,2020	Section 31 of the I&B Code, 2016	Fresh bidding and filing of re-approved Resolution Plan by CoCs.  2.Conducting of proceedings of CIRP in	As the AA cannot interfere with the commercial wisdom of CoCs, direction of rebidding is not in consonance with the Law. Hence, the Appeal no. 1490/2019 is allowed. The order of AA is set-aside and remitted back to AA for approval of the Resolution Plan

	<p>2. Sh. Amresh Shukla , 1843. Committee of Creditors</p> <p>And Others</p>			<p>a non-transparent manner</p> <p>3. Biased process by Resolution Professional</p>	<p>2. As the Court cannot question the Commercial wisdom of 'CoC' and indulge in quantitative analysis,. Appeal No 78 of 2020 fails and is therefore dismissed.</p> <p>3. There is nothing on record that the RP manipulatively conducted the bidding process Hence. The Appeal No. 184 of 2020 dismissed.</p> <p><a href="#">Click here for full judgement</a></p>
29	<p>Corporation Bank Vs</p> <p>1. M/s SJN Energy Infrastructure Pvt. Ltd.</p> <p>2. Sh. Prashant Kumar Mishra,</p> <p>3. Ms. Nandita Mishra</p> <p>4. Sh. Jyotish Chandra Mishra</p>	<p>Company Appeal (AT) (Insolvency) No. 1184 of 2019</p> <p>(5<sup>th</sup> March,2020)</p>	<p>Section 7 of the I&amp;B Code, 2016</p>	<p>Application filed was time barred</p>	<p>No illegality in the order passed by Adjudicating AA. The Appeal is devoid of merits and dismissed.</p> <p><a href="#">Click here for full judgement</a></p>



	5. Ms. Satyabhama Mishra 6. Sh. Sanjeev Kapoor				
30	Chunilal Kanjibhai Gohel Vs 1. M/s. Indian Corp Law 2. Paadm International 3. M/s. Rashmi Agarwalla	Company Appeal (AT) (Insolvency) No. 84 of 2020  (7 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Settlement of Claim	In view of the settlement of claim; withdrawal of insolvency application is permitted. The order of AA is quashed.  <a href="#">Click here for full judgement</a>
31	Mukesh B. Ambani Vs. Ingenia FZE & Ors.	Company Appeal (AT) (Insolvency) No. 129 of 2020  (12 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Settlement of Claim	The Appellant is allowed to reach, "Terms of Settlement" u/s 12A of the Code.  <a href="#">Click here for full judgement</a>

32	LC Core Opportunities Fund Vs. Cerestra Advisors Pvt. Ltd. & Anr	Company Appeal (AT) (Insolvency) Nos. 242 & 243 of 2020 (12 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	There is no 'Operational Debt' 2.Existence of dispute (Settlement of dispute)	As the matter has been settled prior to constitution of 'COCs', the orders of AA are set-aside and applications are disposed of as withdrawn.  <a href="#">Click here for full judgement</a>
33	Anumati Consultancy & Services Pvt. Ltd. Vs. Wellside Global Pvt. Ltd.	Company Appeal (AT) (Insolvency) No 413 of 2020 (12 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	There is no default	As the delivery of flat is to be effected by May, 2020, the AA has rightly not entertained the application being premature. Appeal is dismissed.  <a href="#">Click here for full judgement</a>
34	Mohan Lal Jain, In the capacity of Liquidator of Kaliber Associates Pvt. Ltd. Vs. Income Tax Office	Company Appeal (AT) (Insolvency) No 414 of 2020 (12 <sup>th</sup> March,2020)	Section 33 of the I&B Code, 2016	Income Tax Assessment of the 'CD done during the period of moratorium.	As the Liquidator is bound to decide the claims of all the claimants, no interference in the order of AA is called for. The Appeal filed is dismissed.  <a href="#">Click here for full judgement</a>
35	Dr. Bramha Nand Singh Vs.	Company Appeal (AT) (Insolvency) No 400 of 2020	-	Delay in disposal of the case at AA.	The AA is directed to pass reasoned order in accordance with law preferably within three weeks from the date of

	Resolution Professional, M/s. Shivani Alloy Steel Casting Ltd. & Anr.	(12 <sup>th</sup> March,2020)			receipt of this order or production of this order  <a href="#">Click here for full judgement</a>
36	Gaurav Jaina Vs Bank of India & Anr.	Company Appeal (AT) (Insolvency) No 401 of 2020  (12 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	Admission of Insolvency Application would result in pre-empting the decision pending in the suit.	No interference with the order of AA is called for. The appeal is dismissed.  <a href="#">Click here for full judgement</a>
37	Horizon Translifters Pvt. Ltd. Vs. Garden Silk Mills Ltd	Company Appeal (AT) (Insolvency) Nos. 406 of 2020  (12 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existence of dispute.	As there was pre-existence of dispute, there is no ground to interfere with the order of AA  <a href="#">Click here for full judgement</a>
38	Directorate of Commercial Taxes Vs Ruchi Soya Industries Ltd. & Ors.	Company Appeal (AT) (Insolvency) Nos. 407 of 2020  (12 <sup>th</sup> March,2020)	Section 31 of the I&B Code, 2016	Approval of Resolution Plan	As there is more than 17 days delay after 30 days of the time to file the appeal, it cannot be entertained.  <a href="#">Click here for full judgement</a>

39	Vishal Vijay Kalantri Vs 1. DBM Geotechnics & Construction Pvt. Ltd. 2. Dighi Port Ltd.,	Company Appeal (AT) (Insolvency) Nos.139 of 2018,697, 698 & 722 of 2019  (12 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute	As AA cannot sit on the appeal on commercial wisdom of the 'Committee of Creditors', no interference with the order dated 25.03.18 is called for. Accordingly, the matter stands remitted to AA to pass appropriate order u/s 31 of the Code.  <a href="#">Click here for full judgement</a>
40	Mr. Harsukbhai P. Lakkad Vs. Bank of Baroda (Erstwhile Dena Bank) & Anr.	Company Appeal (AT) (Insolvency) No 32 of 2020  (12 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	The application was barred by limitation	As the application was barred by limitation, it was not maintainable. The order of AA is set aside and the Insolvency application is dismissed.  <a href="#">Click here for full judgement</a>
41	Ishrat Ali Vs. Cosmos Cooperative Bank Ltd. & Anr	Company Appeal (AT) (Insolvency) No 1121 of 2019  (12 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	The application was barred by limitation	As the application was barred by limitation, the order of AA is set aside.  <a href="#">Click here for full judgement</a>

42	<p>1. Rai Bahadur Shree Ram and Company Pvt. Ltd 2. Ram Kishan Saraf Vs. 1. Mr. Bhuvan Madan, Resolution Professional of Ferro Alloys Corporation Ltd. 2. Committee of Creditors of Ferro Alloys Corporation Ltd. Through REC Ltd., 3. REC Ltd. 4. Sterlite Power Transmission Ltd. 5. Ferro Alloys Corporation Ltd.</p>	<p>Company Appeal (AT) (Insolvency) No 207-208 of 2020  (12<sup>th</sup> March,2020)</p>	<p>Section 31 of the I&amp;B Code, 2016</p>	<p>Rejection of Settlement proposal</p>	<p>The orders of AA have been passed on proper application of mind and conform to the proposition of law. There is no merit in the appeals. Hence dismissed.</p> <p><a href="#">Click here for full judgement</a></p>
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43	V. Padmakumar Vs Stressed Assets Stabilisation Fund (SASF) & An	Company Appeal (AT) (Insolvency) No 57 of 2020  (12 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	1. Non-service of Demand Notice 2. The application was barred by limitation	As the application is barred by limitation, it was not maintainable. The order of AA is set aside.  <a href="#">Click here for full judgement</a>
44	Geopetrol International Inc. Vs. JEKPL Pvt. Ltd. & Anr.	Company Appeal (AT) (Insolvency) Nos. 410-411 of 2020  (13 <sup>th</sup> March,2020)	Section 61(3) of the 'I&B Code'	Pre-emptive right of the Appellant under Production Share Agreement.	In the present case, the Appellant's claim is not a security interest or any other right. Further, the Approved Resolution Plan is not in contravention of any law. As such, the appeal is bereft of merit. Hence, both the appeals are dismissed, accordingly.  <a href="#">Click here for full judgement</a>
45	Rohini Industrial Electricals Ltd. Vs. National Textiles Corporation Ltd.	Company Appeal (AT) (Insolvency) Nos. 420 of 2020  (13 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute.	As records show that dispute was raised prior to issuance of demand notice, the Adjudicating Authority rightly rejected the Insolvency Application. No merit in this appeal, It is dismissed.  <a href="#">Click here for full judgement</a>

46	Akriti Agnihotri & Anr. Vs. Blackberry Realcon Pvt. Ltd	Company Appeal (AT) (Insolvency) No 419 of 2020  (13 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	Status of the Appellants	Depending upon the status of Appellants whether they filed the case as Financial Creditor's or allottees, the AA will proceed accordingly subject to Hon'ble Supreme Court Judgement decision.  <a href="#">Click here for full judgement</a>
47	Asset Reconstruction Company (India) Ltd. Vs. Corpor418ation Ltd. & Ors.	Company Appeal (AT) (Insolvency) No 418 of 2020  (13 <sup>th</sup> March,2020)	Section 31 of the I&B Code, 2016	Fresh valuation is not permissible	As the matter is pending since long, it is expected that the AA will pass appropriate order under Section 31 in the application taking into consideration the valuation and the plan as approved by the ' CoCs'  <a href="#">Click here for full judgement</a>
48	T.S.Murali & Anr. Vs. Liquidator of Helpline Hospitality Pvt. Ltd	Company Appeal (AT) (Insolvency) No 262 of 2020  (13 <sup>th</sup> March,2020)	Section 35 of the I&B Code, 2016	Stay for handing over the possession of the property to the Liquidator.	The prayer is reasonable and therefore, taking the possession of the property by the Liquidator is stayed till the passing of order by AA.  <a href="#">Click here for full judgement</a>

49	Mr. Sandeep Kukkar Vs. 1.Mr. Vijay Kumar Todi, 2. M/s Siddarth Organisation Limited	Company Appeal (AT) (Insolvency) No 298 of 2020  (13 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Settlement of dispute	The Appellant is permitted to pursue the matter before the AA with regard to withdrawal of Insolvency Application.  <a href="#">Click here for full judgement</a>
50	Rajesh Nagpal Vs. 1. Gupta Ji Electric Company 2. M/s Straight Edge Contracts Pvt. Ltd	I.A. No. 1118 of 2020 With Company Appeal(AT) (Insolvency) No. 388 of 2020  (13 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Settlement of dispute	MoU entered into between the parties is accepted and Insolvency Application is allowed to be withdrawn. The order of AA is set-aside.  <a href="#">Click here for full judgement</a>
51	Datamatics Digital Limited Vs. Sipani Online Pvt. Ltd	Company Appeal (AT) (Insolvency) No 1211 of 2019  (16 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Settlement of Claim	In view of the settlement arrived, the appeal is allowed. Insolvency Application preferred is disposed of. Order of AA is set-aside.  <a href="#">Click here for full judgement</a>



52	Kerala Ayurveda Ltd. Vs. Tata Global Beverages Ltd.	Company Appeal (AT) (Insolvency) No 429 of 2020  (16 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	Money advanced constituted a 'financial debt'	The appeal is dismissed as being premature.  <a href="#">Click here for full judgement</a>
53	Edgewood Networks Pvt. Ltd. Vs. Houston Technologies Ltd.	Company Appeal (AT) (Insolvency) No 297 of 2020  (16 <sup>th</sup> March,2020)	Section 61 of the I&B Code, 2016	Condonation of delay	The Appeal filed is time barred as the period consumed is about 50 days. Appeal is dismissed.  <a href="#">Click here for full judgement</a>
54	Narayan Shenvi Prabhu Vs Easun MR Tap Changers Pvt. Ltd. & Anr	Company Appeal (AT) (Insolvency) No 1301 of 2019  (16 <sup>th</sup> March,2020)	-	To settle the claim	In the absence of Appellant or his Counsel, the Appeal filed is dismissed in default.  <a href="#">Click here for full judgement</a>
55	Pawan Kumar Agarwal Vs Aanchal Ispat Ltd. & Anr	Company Appeal (AT) (Insolvency) No 174 of 2020  (16 <sup>th</sup> March,2020 )	Section 9 of the I&B Code, 2016	Settlement of matter	In view of the settlement arrived, the appeal is disposed of and CIRP is closed. Insolvency Application stands withdrawn.  <a href="#">Click here for full judgement</a>

56	Gourav Kishor Shinde Vs. 1.Uday Yashwant Nayak 2. Godawat Consumer Product LLP	Company Appeal (AT) (Insolvency) No 1107 of 2019  (16 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute	As there were pre-existing disputes, Insolvency Application should not have been admitted. Hence Appeal is allowed. Insolvency Application before AA is dismissed.  <a href="#">Click here for full judgement</a>
57	George Vinci Thomas Vs. 1. M/s. Capedge Consulting Pvt. Ltd. 2.M/s. India Tech Private Limited,3. Mr. Sasitharan Ramaswamy	Company Appeal (AT) (Insolvency) No 1395 of 2019  (16 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute	There is no substance in the appeal, the same is accordingly dismissed  <a href="#">Click here for full judgement</a>
58	Sangeeta Goel Vs	Company Appeal (AT) (Insolvency) No 17 of 2020	Section 9 of the I&B	1.Pre-existing dispute 2. Non-filing of affidavit in compliance	The AA has rightly rejected the Application. There is no ground to

	Roidec India Chemicals Private Limited	(17 <sup>th</sup> March,2020)	Code, 2016	of provision 9(3) (b) of 'Code'.	interfere with the Order of AA. Hence the Appeal is dismissed.  <a href="#">Click here for full judgement</a>
59	1. Rajesh Kumar Agarwal, 2. Smt. Kavita Agarwal 3. Chayank Agarwal ( Minor) Vs. 1. M/s Srivani Merchants Pvt. Ltd., 2. M/s RLA Holdings Pvt. Ltd.,	Company Appeal (AT) (Insolvency) No 669 & 668 of 2019  (18 <sup>th</sup> March,2020)	Sections 7 & 33 of the I&B Code, 2016	1.Collusion between the 'FC' and the Directors of 'CD' 2.Non-consideration of Resolution Plan	There is no substance in the claim of Appellants. As such, there is no ground to interfere with the Order of AA. The Appeal is dismissed  <a href="#">Click here for full judgement</a>
60	Mr. Gajendra Parihar Vs. 1. M/s Devi Industrial Engineers	Company Appeal (AT) (Insolvency) No 1370 of 2019  (18 <sup>th</sup> March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute	As there was pre-existing dispute between the Parties, the order of AA is set-aside. The Appeal is allowed.  <a href="#">Click here for full judgement</a>

	2. Mr. Deepak Kumar Agarwal				
61	M/s Ricoh Thermal Media Asia Pacific Pvt. Ltd Vs M/s Efficient Data Pvt. Ltd.	Company Appeal (AT) (Insolvency) No 1295 of 2019  (18th March,2020)	Section 9 of the I&B Code, 2016	Dismissal of petition in default of parties	Appellant is permitted to move before the AA and to file an Application seeking restoration of the main Petition.  <a href="#">Click here for full judgement</a>
62	Indiana conveyors Pvt. Ltd. Vs. Ducon Technologies (I) Pvt. Ltd.	Company Appeal (AT) (Insolvency) No 508 of 2019  (18th March,2020)	Section 9 of the I&B Code, 2016	Pre-existing dispute	There is no such pre-existence of dispute. Hence, the Order passed by AA is set-aside and the case is remitted to AA to admit the Insolvency Application to pass appropriate order.  <a href="#">Click here for full judgement</a>
63	Laxmi Pat Surana Vs 1.Union Bank of India	Company Appeal (AT) (Insolvency) No 77 of 2020  (19 <sup>th</sup> March,2020)	Section 7 of the I&B Code, 2016	1. The application is barred by limitation 2.Application is not maintainable against Proprietorship firm	Insolvency Application is well with the time limit. Further, as the present Appeal sans merits the same is dismissed.

	2. Sunil Mohan Acharaya				<a href="#">Click here for full judgement</a>
64	UCO Bank Vs. Ramanahalli Doddabyregowda & Anr.	Company Appeal (AT) (Insolvency) No 433 of 2020 & 1518 of 2019  (19 <sup>th</sup> March, 2020)	Sections 9 & 21 of the I&B Code, 2016	Not inclusion in the 'CoCs'	The Appellant is allowed to withdraw the appeal to raise the issue of reconstitution of the 'Committee of Creditors' before the learned Adjudicating Authority.  <a href="#">Click here for full judgement</a>
65	Rajive Kaul Vs. Vinod Kumar Kothari & ors	Company Appeal (AT) (Insolvency) Nos. 44 ,224 of 2020  (19 <sup>th</sup> March, 2020)	Sections 33 & 21 of the I&B Code, 2016	Removal of 'Nominee Director' by Liquidator	In the backdrop of the discussions and as the Appellants acted against the Liquidator, the orders passed by the AA are free from any legal flaws.  Further, the Liquidator is entitled to nominate the 'Directors.'  As the Appeals san merits, they are dismissed.

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# SUPREME COURT / HIGH COURT CASES JANUARY TO MARCH, 2020

## HIGH COURT CASES

S.No.	Name of the Parties	Case Reference with date	Section No.	Issue	Adjudication/Gist
01	02	03	04	05	06
01	Mr.Ajay Kumar Bishnoi Former Managing Director M/s.Tecpro Systems Ltd Vs.	<u>IN THE HIGH COURT OF JUDICATURE AT MADRAS</u> CRL.OP Nos.34996, 35007, 35011, 35013, 35016 and 35020 of 2019 and CrI MP Nos.19302, 19303, 19305,	Sections 14 & 31 of I&B Code,2016	Quashing of the criminal complaints instituted u/s 138 r/w.141 of the N I Act, 1881.	The petitions have been filed u/s 482 of Cr.PC. On the basis of facts appear on record; this court is declining to invoke inherent powers in favour of the petitioners.  <a href="#">Click here for full judgement</a>

	M/s.Tap Engineering,	19307, 19308 to 19313 & 19314, 19315 of 2019  Crl OP(MD)No.34996 of 2019  (9 <sup>th</sup> January, 2020)			
02.	India Infoline Finance Limited & Anr. Vs. The State of West Bengal & Ors	W.P. 21071(W) of 2019  (24 <sup>th</sup> January, 2020)	Sections 14 of I&B Code,2016	Continuation of criminal proceedings	The allegation of the complainant that police are not taking sufficient steps is not acceptable. Accordingly, the petition is dismissed.  <a href="#">Click here for full judgement</a>
03	1 Kotak Investment Advisors Limited 2 Rahul Shah Vs. 1.Mr. Krishna Chamadia, Resolution ] Professional of Ricoh India Limited,	WRIT PETITION (L) NO. 3621 OF 2019  (28 <sup>th</sup> January, 2020)	Sections 31 & 61 of I&B Code,2016	1. Illegal process adopted by the Resolution Professional.  2. Collusion between the Resolution Professional and CoCs'	Based on the discussion and records, the preliminary objection raised is to the maintainability of the Writ Petition. The Writ Petition is dismissed on the ground that the petitioners have alternate and equally efficacious remedy of filling an Appeal to the NCLAT.  <a href="#">Click here for full judgement</a>

	<p>2.Kalpraj Dharamshi</p> <p>3.Rekha Jhunjhunwala</p> <p>4 Insolvency and Bankruptcy Board of India</p> <p>5 Union of India, through the Ministry of ] Corporate Affairs,</p>				
04	<p>TATA STEEL BSL LIMITED &amp; ANR</p> <p>Vs</p> <p>UNION OF INDIA &amp; ANR</p>	<p>IN THE HIGH COURT OF DELHI AT NEW DELHI</p> <p>W.P.(CRL) 3037/2019 and CRL.M.A. 39126/2019</p> <p>(16<sup>th</sup> March, 2020)</p>	<p>Section 32A(1) of I&amp;B Code,2016</p>	<p>To discharge from the criminal proceedings</p>	<p>There is much merit in the contention that the petitioner cannot be prosecuted and is liable to be discharged. The petition is, accordingly, allowed and the order dated 16.08.2019 and the summons dated 21.08.2019, are set aside. Further, the impugned compliant (CC No. 770/2019) against the petitioner, is also set aside.</p> <p><a href="#">Click here for full judgement</a></p>



## SUPREME COURT CASES

01	MAHARASTHRA SEAMLESS LIMITED (MSL) Vs. PADMANABHAN VENKATESH & ORS	CIVIL APPEAL NO. 4242 OF 2019 WITH CIVIL APPEAL NOS. 4967- 4968 OF 2019  (22 <sup>nd</sup> January, 2020)	Sections 7,31, 35 & 53 of I&B Code,2016	<ol style="list-style-type: none"> <li>1. Whether the sum forming part of Resolution Plan should match the liquidation value or not.</li>   <li>2. Whether Successful Resolution Applicant can retreat though Section 12 A of the 'Code'</li>   <li>3 Maintenance of parity between the financial creditors and operational creditors on the aspect of clearing dues.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Appellate Authority ought not to have interfered with the order of the AA in directing the successful Resolution Applicant to enhance their fund inflow upfront.</li>   <li>2. The exit route prescribed in Section 12-A is not applicable to a Resolution Applicant in the present case.</li>   <li>3. It is the commercial wisdom of the Committee of Creditors to accept a resolution plan, which may involve differential payment to different classes of creditors.</li>   <li>4. The Resolution Professional is directed to take physical possession of the assets of the corporate debtor and hand it over to the MSL</li> </ol>
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02	M/S ESS INVESTMENTS PVT. LTD. Vs LOKHANDWALA INFRASTRUCTURE PVT. LTD. & ANR	CIVIL APPEAL NO(S). 324/2020 WITH C.A. No. 325/2020 SLP(C) No. 222/2020 SLP(C) No. 451/2020.  (31 <sup>st</sup> January, 2020)	Sections 7 of I&B Code,2016	Rejection of appeal of the Appellant filed before NCLT.	The appellant may proceed against the Respondent No.1 before the NCLT by seeking recall of the order dated 4.9.2018 and revival of its application No. CP (IB) No.4000/MP/2018.  <a href="#">Click here for full judgement</a>
03	Vinay Kumar Mittal & Ors Vs Dewan Housing Finance Corporation Ltd. & Ors.	Civil Appeal No.654 -660 of 2020 (Arising out of SLP (C) No.30372-30378 of 2019)  (31 <sup>st</sup> January, 2020)	Sections 7&14 of I&B Code,2016	To restrain Respondent No.1 from commencing its lending operations till the matured deposits of the depositors are duly paid.	Appellants to raise all points and contentions before the Committee of Creditors, the Administrator and if necessary, the NCLT.  No interference with the decision of the Committee of Creditors taken on 30.12.2019 is called for.  Further, the concerns of the depositors and their rights are

					to be considered in accordance with law.  <a href="#">Click here for full judgement</a>
04	BEACON TRUSTEESHIP LIMITED VS. EARTHCON INFRACON PRIVATE LIMITED & ANR.	CIVIL APPEAL NO(S).7641/2019  (18 <sup>TH</sup> February, 2020)	Section 7 of I&B Code,2016	Fraudulent initiation of Insolvency Proceedings	As the plea of collusion could not have been raised for the first time in the appeal before the NCLAT or before this Court in this appeal, the Appellant is relegated to the remedy before the Adjudicating Authority. Accordingly, order passed by the NCLAT is set aside.  <a href="#">Click here for full judgement</a>
05	RAJENDRA K. BHUTTA Vs MAHARASHTRA HOUSING AND AREA DEVELOPMENT AUTHORITY AND ANOTHE	CIVIL APPEAL NO. 12248 OF 2018  (19 <sup>TH</sup> February, 2020)	Sections 7 & 14 (1) (d) of I&B Code,2016	Handing over the possession of land/ property to MHADA.	Section 14(1) (d) of I&B, when it speaks about recovery of property “occupied”, does not refer to rights or interests created in property but only actual physical occupation of the property. Therefore, the appeal is allowed and the order of NCLAT is set aside.

					Further, the NCLT is directed to dispose of the resolution professional's application within a period of six weeks.  <a href="#">Click here for full judgement</a>
06	ANUJ JAIN INTERIM RESOLUTION PROFESSIONAL FOR JAYPEE INFRATECH LIMITED Vs AXIS BANK LIMITED ETC. ETC	CIVIL APPEAL NOS. 8512-8527 OF 2019 With CIVIL APPEAL NOS. 6777-6797 OF 2019 CIVIL APPEAL NOS. 9357-77 OF 2019 (ARISING OUT OF DIARY NO. 32881 OF 2019)  (26 <sup>TH</sup> February, 2020)	Sections of 43, 45 and 66 I&B Code, 2016	Preferential, undervalued and fraudulent transactions.  2. JAL could be recognized as financial creditors of the corporate debtor JIL	<u>Preferential transactions:</u>  1. The transactions in question are hit by Section 43 of the Code and the AA having rightly held so, had been justified in issuing necessary directions in terms of Section 44 of the Code in relation to the transactions concerning Property Nos. 1 to 6.  NCLAT had not been right in interfering with the well-considered and justified order passed by NCLT in this regard.  <u>2. Transactions being undervalued and fraudulent:</u>

					<p>It is not necessary to deal with at this stage whether the transactions are undervalued and/or fraudulent in the totality of circumstances. All the related questions of law open to be examined in an appropriate case.</p> <p><u>3.WHETHER LENDERS OF JAL COULD BE CATEGORISED AS FINANCIAL CREDITORS OF JIL:</u></p> <p>The lenders of JAL, on the strength of the mortgages may fall in the category of secured creditors, but such mortgages being neither towards any loan, facility or advance to the corporate debtor nor towards protecting any facility or security of the corporate debtor, it cannot be said that the corporate debtor owes them</p>
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					<p>any 'financial debt'. Hence, such lenders of JAL do not fall in the category of the 'financial creditors' of the corporate debtor JIL.</p> <p>Accordingly, these appeals are allowed to the extent and in the manner that:</p> <p>i) The order dated 01.08.2019 as passed by NCLAT in the batch of appeals is reversed and is set aside.</p> <p>ii) The appeals preferred before NCLAT against the order dated 16.05.2018, as passed by NCLT on the application filed by IRP, are dismissed and the order dated 16.05.2018 passed by NCLT is upheld in regard to the findings that the transactions in question are preferential. The directions by NCLT for avoidance of such transactions are also upheld, accordingly.</p>
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					<p>iii) The appeals preferred before NCLAT against the orders passed by NCLT dated 09.05.2018 and 15.05.2018 on the applications filed by the lender banks are also dismissed and the respective orders passed by NCLT are restored with the findings that the applicants are not the financial creditors of the corporate debtor JIL</p> <p><a href="#">Click here for full judgement</a></p>
07	<p>STATE BANK OF INDIA Appellant(s) Vs. M/S. ACCORD LIFE SPEC PRIVATE LIMITED THROUGH DIRECTOR &amp; ORS.</p>	<p>CIVIL APPEAL NO. 9036 OF 2019  (28<sup>TH</sup> February, 2020)</p>	<p>Section 30(2) of I&amp;B Code,2016</p>	<p>Resolution plan which is lesser than liquidation value.</p>	<p>As there is no provision that the bid of any Resolution Applicant has to match liquidation value, the appeal is allowed and the judgment of the NCLAT is set aside.</p> <p><a href="#">Click here for full judgement</a></p>

