



# INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

(Company formed by ICAI under Section 8 of the Companies Act 2013)

## IBC Case Law Capsule

Volume 06 | Number 40

(October 02, 2023)

**M/s Dauphin Cables Private Limited, Vs. Mr. Praveen Bansal,  
Company Appeal (AT) Insolvency No. 971, 972 & 973 of 2023  
Date of NCLAT Judgement: Sept. 11, 2023**

### Facts of the Case: -

The present Appeal is filed by M/s. Dauphin cables Pvt. Ltd. in the capacity of shareholder (hereinafter referred as 'Appellant') after being aggrieved by the order dated 05.06.2023 passed by the Adjudicating authority.

The CIRP application u/s 7 of the code was filed by DMI Finance Pvt. Ltd. against the corporate debtor M/s Abloom Infotech Pvt. Ltd. The AA issued an order dated 11.03.21 to commence the CIRP and accordingly, IRP was appointed (hereinafter referred as 'Respondent'). Claims were filed by DMI Finance Pvt. Ltd. and Chandgi Ram Real Estate Consultants Pvt. Ltd.

The Appellant filed I.A. seeking various reliefs, including a request for documents and calculations supporting the admission of the financial creditor's claim. The AA in an order dated 14.02.23 noted that there were no specific provisions in the IBC for shareholders to request such documents from the Respondent. However, to ensure justice and fairness, the AA directed the Respondent to submit an additional affidavit containing the admitted claims along with supporting documents and calculations within seven days. The Respondent appealed against the said order but the Appellate Tribunal dismissed the same by observing that the Respondent can file an appropriate application with the AA to consider and pass appropriate order.

The Respondent filed I.A with AA, in which he sought permission to comply with the order dated 14.02.23, by submitting the documents in a sealed envelope without e-filing. The AA through its order dated 05.06.2023 granted the relief to the Respondent and held that objections raised by shareholders regarding the Resolution Plan, as well as the documents supporting the claims of CoC members, and additional documents submitted by the Respondent in sealed cover would be considered and examined before the Resolution Plan's approval. As a result, the Appellant has filed this appeal.



# INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

(Company formed by ICAI under Section 8 of the Companies Act 2013)



## **NCLAT's Observations: -**

The Appellate Tribunal observed that the scheme of IBC does not indicate that all the information collected by the Respondent must be shared with shareholders who ask for the information. Further, the Tribunal noted that Rule 43 of the NCLT Rules, 2016, empowers the AA to call for further documentary information or evidence from the 'parties' or any one of them. The purpose of calling for such information could be for ascertaining the truth of allegations, for inquiry or investigation or if deemed necessary for passing of orders in petition/application.

The Tribunal further noted that the Resolution Plan with regard to Corporate Debtor has already been approved by the AA and the order extract clearly states that it has looked into the documents provided by the Respondent.

**Order/Judgement:** The Appellate Tribunal observed that the Respondent has complied with the order dated 05.06.2023 and has filed all the relevant evidence. The Tribunal held that as the Resolution Plan has already been approved, the issues raised by the Appellant have become academic and needs no further consideration.

**Case Review:** The Appeal is dismissed.