

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT-II

12. IA 222/2024 In C.P. (IB)/1616(MB)2017

CORAM:

SHRI ANIL RAJ CHELLAN
HON'BLE MEMBER (T)

SHRI KULDIP KUMAR KAREER
HON'BLE MEMBER (J)

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 16.04.2024**

NAME OF THE PARTIES: **Mr. Pravin R. Navandar Resolution
Professional Of Unitech Transformers
Pvt. Ltd.**

IN THE MATTER OF
Vellurmadam Harish Gopalkrishnan
V/s
Bharat Cooperative Bank

**Section: 7, Sec 60(5) Sec 43(1) r/w Sec 44(1) Sec 66(1) of Insolvency
and Bankruptcy Code, 2016**

ORDER

IA No. 222/2024:- PCS, Devarajan Raman appeared for the Resolution Professional. Ld. Counsel for the Applicant/Resolution Professional submitted that the resolution plan submitted by Mr. P.K. Haridas and Mrs. Heena Haridas, Erstwhile Promoters/Directors of the Corporate Debtor was approved by Committee of Creditors (CoC) at its meeting held on 08.12.2018 with 83.30% voting and an application bearing MA No. 1621/2018 was filed on 11.12.2018 before this Tribunal under Section 31 (1) of the Insolvency and Bankruptcy Code, 2016 ('the Code') seeking approval of resolution plan The said application is still pending for approval. Meanwhile, the Successful Resolution Applicant (SRA) during the hearing held on 08.11.2023 made a submission that he is no longer interested in implementing the resolution plan as he will not be able to meet the increased CIRP cost due to the delay in

approving the resolution plan. In the circumstances, the Resolution Professional sought directions to move necessary application before this Tribunal after taking necessary approval from CoC. Accordingly, the Resolution Professional filed the present application to allow the Applicant to re-run the CIRP by issuing fresh EOI and to grant a period of 120 days to re-run the CIRP. The Applicant has also filed an additional affidavit dated 23.02.2024 annexing copy of minutes of the 22nd meeting of CoC held on 20.02.2024. Ld. Counsel for the Resolution Professional submitted that the CoC had discussed in detail the developments and decided to file necessary application before the Tribunal to allow issuance of fresh Form-G to re-run the CIRP process as the unit is still operating near break even though there are losses recorded. CoC further noted that the liquidation is an option but that would lead to further loss of value and is against the basic principle of insolvency resolution. With respect to the request of erstwhile Promoters/Successful Resolution Applicant, it is brought to our notice that no performance security was stipulated in the request for Resolution Plan and hence, no performance security is available.

Considering the above facts, we deem it fit and proper to allow the application to re-run the CIRP by issuing fresh EOI and grant a further period of 120 days to re-run the CIRP. **IA No. 222/2024 is allowed and disposed of accordingly.**

Sd/-

ANIL RAJ CHELLAN
Member (Technical)

16.04.2024
Sushil

Sd/-

KULDIP KUMAR KAREER
Member (Judicial)