

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Company Appeal (AT) (Insolvency) No. 101 of 2021**

**In the matter of:**

**Sundeep Thakar**

**....Appellant**

**Vs.**

**Raj Ralhan & Ors.**

**....Respondents**

**Present:**

**Appellant: Mr. Anirudh, Mr. Tejas Patel, Advocates.**

**Respondents: Mr. Abhinav Vashist, Senior Advocate with Mr. Sumesh Dhawan, Ms. Vatsala Kak, Ms. Akshita Sachdeva, Ms. Ankita Bajpai, Advocates for R1. Mr. DC Jain, Advocate for R3 (AR) Mr. Abhishek Anand, Mr. Viren Sharma, Advocates (JMFARC)**

**ORDER**

**(Through Virtual Mode)**

**17.02.2021:** The Resolution Plan approved by the Adjudicating Authority (National Company Law Tribunal), Chandigarh Bench in respect of the Corporate Debtor in terms of the impugned order dated 12<sup>th</sup> January, 2021 is being assailed in the instant appeal by the Appellant- Mr. Sundeep Thakur who is represented by Mr. Anirudh, Advocate.

On a query being put to him as to whether the claim of the Appellant as workman/ employee has been admitted or rejected, he sought time to address this Appellate Tribunal.

With reference to Page 229 of the Appeal Paper Book- Vol.II, Mr. Abhinav Vashist, Senior Advocate representing the Resolution Professional submits that the claim of the Appellant in regard to Rs.4,16,210/- has been admitted by the Interim Resolution Professional. Learned counsel for the Appellant submits

Contd/-.....

that this claim was in regard to Appellant's earlier stint as employee but in his second stint he worked as Vice President and claimed amount of his salary which has not been admitted in regard to the period after commencement of Corporate Insolvency Resolution Process. Learned counsel for Respondent No.1 wants to place on record some relevant documents which do not form the part of the Appellant's Appeal Paper Book. He is permitted to do so.

Learned counsel for the Respondent No.1 has also drawn our attention to the relief clause in memo of appeal which reveals that the relief claimed is to direct the Respondents to include Rs.44,78,931/- as CIRP costs along with 18% interest till date and further direct the Resolution Professional to pay salary dues (the aforesaid amount) from the reimbursement he has received working as an Resolution Professional of Corporate Debtor. We have also been taken through the grounds taken in appeal but we do not find that any ground has been pleaded to assail the approved Resolution Plan. We also find that the Committee of Creditors has not been arrayed as party Respondent.

Since the appeal may be dismissed for technical deficiencies, learned counsel for the Appellant prays that he be permitted to withdraw the appeal with liberty to file fresh appeal keeping in view the grounds set out in Section 61(3) of the Insolvency and Bankruptcy Code, 2016.

The appeal is accordingly dismissed as withdrawn with liberty sought being granted subject to all just legal exceptions.

**[Justice Bansi Lal Bhat]  
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]  
Member (Technical)**

**AR/g**