

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 110 of 2021**

**In the matter of:**

**IIFL Finance Ltd. (Formerly India Infoline Finance Ltd.)** **....Appellant**

**Vs.**

**AVJ Developers (India) Pvt. Ltd. and Anr. (through RP)** **....Respondents**

**Present:**

**Appellant:** **Mr. Amit Singh Chadha, Senior Advocate with Mr. Suresh Dutt Dobhal, Mr. Nirmal Goenka, Advocates.**  
**Respondent:** **Mr. Abhishek Anand, Mr. Kunal Godhwani, Mr. Viren Sharma, Advocates for R1&2**

**ORDER**

**(Through Virtual Mode)**

**15.02.2021:** The Adjudicating Authority (National Company Law Tribunal), New Delhi, Principal Bench, has in terms of the impugned order dated 11<sup>th</sup> January, 2021 extended Corporate Insolvency Resolution Process (CIRP) period up to 60 days w.e.f 27<sup>th</sup> December, 2020 keeping in view the Committee of Creditors' (COC) Resolution dated 19<sup>th</sup> December, 2020. It is gathered from the impugned order that the extension of CIRP period was sought on the ground that order in I.A No. 1261(PB)/2020 was yet to be passed. The impugned order is assailed in the instant appeal merely on the ground that the Appellant's- Financial Creditor's claim has to be considered before taking of any decision by the COC in regard to approval of Resolution Plan.

2. Mr. Abhishek Anand, Advocate appearing on behalf of Respondents submits that the Appellant is not a member of the COC which is seized of the

Contd/-.....

matter and Resolution Plan in respect of the Corporate Debtor is under consideration. It is submitted by him that time has been extended to enable the CIRP to be brought to logical conclusion by enabling the COC to take a decision in regard to the Resolution Plan pending before it for approval.

3. Mr. Amit Singh Chadha, Senior Advocate representing the Appellant has invited our attention to two orders, one passed by the Adjudicating Authority on 12<sup>th</sup> November, 2020 in terms whereof, along with other applications, order came to be reserved in regard to I.A No. 1261(PB)/2020 and the second order referred to by him is dated 9<sup>th</sup> December, 2020 passed by the Adjudicating Authority which reveals that along with some other applications, I.A No. 1261(PB)/2020 has been adjourned for further hearing to 14<sup>th</sup> December, 2020 as the learned counsel had not concluded submissions. Responding thereto, Mr. Abhishek Anand, learned counsel for the Respondents submits that some clarification was sought, that is why the matter was re-opened for hearing further submissions.

4. Mr. Amit Singh Chadha, Senior Advocate representing the Appellant has further invited our attention to the order passed on 14<sup>th</sup> December, 2020 to demonstrate that order in respect of I.A No. 1261(PB)/2020 was again reserved on that date. Our attention has also been invited to order dated 10<sup>th</sup> September, 2020 passed by this Appellate Tribunal in Company Appeal (AT) (Insolvency) No. 772 of 2020 by virtue whereof this Appellate Tribunal had

directed the Adjudicating Authority to hear applications including I.A No. 1261(PB)/2020 and make all endeavors to dispose off the same within two weeks.

5. It is further demonstrated that the matter has even travelled to the Hon'ble Apex Court where in Civil Appeal No. 3512 of 2020 their Lordship passed order dated 26<sup>th</sup> November, 2020 directing the Adjudicating Authority to deliver judgment in keeping with the order of this Appellate Tribunal within a period of one week. It is pointed out that the Adjudicating Authority has not only failed to adhere to the timelines prescribed under 'I&B Code' but also failed to comply with the direction of this Appellate Tribunal as also of the Hon'ble Apex Court.

6. After hearing learned counsel for the parties and fathoming through the records, we are of the opinion that the matter has not been dealt with in the manner as it ought to have been. The Adjudicating Authority should have accorded priority to the matter and ensured that directions passed by this Appellate Tribunal and the Hon'ble Apex Court are observed in strict compliance and I.A No. 1261(PB)/2020 is disposed off well before the COC takes a decision in regard to approval of the Resolution Plan pending for consideration before it. In the given circumstances, we are of the considered opinion that this appeal can be disposed off by directing the Adjudicating Authority to dispose of I.A No. 1261(PB)/2020 within one week from today and report compliance to this Appellate Tribunal. Till then the COC shall not

consider the Resolution Plan pending before it.

A copy of this order be communicated to the Adjudicating Authority forthwith.

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

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

***AR/g***