

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 02
(IB)-1367(PB)/2018

IN THE MATTER OF:

ICICI Bank Ltd.

.... Petitioner/Applicant

v.

C & C Construction Ltd.

.... Respondent

IN THE MATTER OF Ivn. P-22/2021

Under Section 60(5) of IBC, 2016

M/s. S.S. Concrete Products (Kuldeep Sharma) Applicant

v.

C & C Constructions Limited

.... Respondent

IN THE MATTER OF IA-1530/2022

Under Section 60(5) of IBC, 2016

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|---|------------------------|
| 1. Brigadier Pradeep Kapoor | Applicant No. 1 |
| 2. Ashok Kumar Talwar, Manager Liason, | Applicant No. 2 |
| 3. Rajiv Saran, Manager, Chief Manager | Applicant No. 3 |
| 4. Rajendra Jee, General Manger | Applicant No. 4 |
| 5. Mohd. Nasir, Assistant Manager | Applicant No. 5 |
| 6. Mukul Kumar Saha, Deputy Assistant Manger .. | Applicant No. 6 |
| 7. Anil Bansal | Applicant No. 7 |
| 8. Ganesh Dimri, Assitant General Manager | Applicant No. 8 |
| 9. Manoj Pant, Senior Manger | Applicant No. 9 |
| 10. Diwakar Goel | Applicant No. 10 |
| 11. Sanjay Garg, DGM | Applicant No. 11 |
| 12. Sanjay Kumar | Applicant No. 12 |
| 13. Ashish Dabur | Applicant No. 13 |
| 14. Naresh Kumar Gupta, ED | Applicant No. 14 |
| 15. Shiv Ashok Singh, Sr. General Manager | Applicant No. 15 |
| v. | |
| 1. C & C Construction Limited | Respondent No. 1 |
| 2. State Bank of India | Respondent No. 2 |
| 3. Standard Chartered Bank | Respondent No. 3 |
| 4. Indusind Bank Limited | Respondent No. 4 |
| 5. ICICI Bank Limited | Respondent No. 5 |
| 6. Axis Bank Limited | Respondent No. 6 |
| 7. IDBI Bank Limited | Respondent No. 7 |
| 8. Oriental Bank of Commerce | Respondent No. 8 |
| 9. Central Bank of India | Respondent No. 9 |
| 10. L & T Infrastructure Finance Company Ltd. | Respondent No. 10 |
| 11. SREI Infrastructure Finance Limited | Respondent No. 11 |

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12. IFCI Factors Limited Respondent No. 12
13. IFCI Limited Respondent No. 13
14. India Infrastructure Finance Company Ltd. Respondent No. 14
15. DBS Bank Respondent No. 15

IN THE MATTER OF IA-1802/2022

Under Section 60(5) of IBC, 2016 Read with Rule 11 of the NCLT Rules

State Bank of India Applicant
v.	
1. Gurjeet Singh Johar Respondent No. 1
2. C & C Constructions (through RP) Respondent No. 2

Order Under Section 7 of Insolvency & Bankruptcy Code (CIRP)

Order delivered on 31.05.2022

CORAM:

**JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT**

**SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the RP	Mr. Navneet K. Gupta, RP Mr. Sanjay Bhatta & Ms. Ruchi Goyal, Advs. in IA-5651/2020 Mr. Vivek Sibal, Sr. Adv .with Mr. Pulkit Deora, Ms. Isha Bharadwaj, Advs.
For the Promoters	Mr. Ramji Srinivasan Sr Adv, Mr Swapnil Gupta, Mr Manav Goyal and Mr Abhishek Kr Jaiswal, Advs.
For the Respondent	Mr. Apoorv Agarwal, Mr. Abhishek Kumar Jaiswal & Mr. Manav Goel, Advs. CA 1960/2019 in (IB)1367(PB)/2018, Advocates Rajesh Gupta & Anubhav Mehrotra for Respondents 1 & 2.
For the Applicant	Mr. Varun Singh, Adv. Mr. Debarshi Bhadra, Adv. Mr. Samdarshi Sanjay, Adv. Mr. Srijan Sinha, Mr. Himanshu Chaubey, Ms. Parul Dhurvey & Mr. Naveen Soni, Advs. Mr. Ajeem Chaturvedi, Ms. Wamika Trehan & Mr. Milin Sharma, Advs.
For the CoC	Mr. Abhinav Vashishth, Sr. Adv .with Mr. P.B.A. Srinivasan, Mr. Parth Tandon, Advs.

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ORDER

Order: Per Oral: RAMALINGAM SUDHAKAR, PRESIDENT

The matter was taken up today. Heard, Mr. Sibbal, Sr. Adv. for the RP, Mr. Vashisht, Sr. Adv. for the CoC.

In terms of the previous order dated 23.03.2022, it is now stated that the Joint Lenders Meeting is still considering the proposal and they have filed an application i.e. IA-2552/2022 seeking extension of time. Considering the above matter stands adjourned to 25.07.2022. Joint Lender Meeting should conclude and make available the decision before the next date of hearing.

IA-1530/2022

This is an application filed for seeking following reliefs:-

1. *Allow the present application and direct the Resolution Professional to withdraw e-mail dated 22.03.2022, 07.03.2022 issued to the Applicants herein for full and final settlement along with draft undertaking, which is per se illegal and nonest in the facts of the case;*
2. *Direct the Resolution Professional to release the pending dues in view of his unequivocal admission of the receipt of the amount in terms of his e-mail dated 23.02.2022.*
3. *Pass such other and further Orders and/or directions as this Hon'ble Tribunal deems fit and proper in the facts of the case*

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This application is filed by 15 employees of the Corporate Debtor seeking release of salary as statutory dues during the CIRP period. Their grievance is that they have filed an application seeking to set aside the termination order as illegal which would inure certain benefits to them. However, without prejudice to their claim in the said application i.e. IA-3952/2020 they are willing to take amount now offered by the RP as salaries and dues payable during the CIRP period and accept the same and they will pursue the claim as against the termination order separately and will make a claim if they succeed in the said application. For the present Mr. Samdarshi Sanjay, Ld. Counsel appearing for the 15 employees states that the amount offered by the RP will be taken without prejudice to the said application i.e. IA-3952/2020. The RP also states that the amount has been verified and on the basis of his calculation he has arrived at the figure. In so far as this figure is concerned, there should be no dispute on part of the 15 applicants. If the applicants succeed in IA-3952/2020 then that claim will be dealt with separately on his own merits.

2. Recording the above, we direct the RP to release the amount as per his calculation and it will be duly acknowledged by all the 15 applicants.

3. IA-1530/2022 stands disposed of in terms of above order.

Ivn. P-22/2021

This is an application filed by one OC for seeking following reliefs:-

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- a) *That the delay in submission of claim with proofs by the operational creditor with the Interim resolution professional may kindly be condoned.*
- b) *That the resolution professional may kindly be instructed to admit the claim with proofs of the operational creditor.*
- c) *Pass such order as the Hon'ble National Company Law Tribunal, may deem fit and proper, in the benefit of the operational creditor.*

Application is filed by the Operational Creditor through Mr. Prakash Sinha, AR. The claim of the operational creditor was rejected by the RP and aggrieved by that, the said application is filed. It appears that today before the matter was heard the RP and Authorised Representative had a discussion and in the course of discussion certain discrepancies were found and such discrepancies having been pointed out by the RP, Ld. Authorised Representative of the OC undertook to file revised claim before the RP and the same will be disposed of by the RP on merits. In view of the above submission which is made by AR and Mr. Pulkit Deora, Ld. Counsel for the RP, Ivn. P-22/2021 is **disposed of** with liberty to the OC to make a revised claim to RP which shall be disposed of by RP expeditiously on merits.

IA-1802/2022


In view of the IA-2552/2022 filed by SBI, present application disposed of as infructuous.

IA-2235/2021, IA-1653/2022, IA-2164/2021, IA-114/2022, CA-471/2019, CA-566/2019, CA-640/2019, CA-556/2020, CA-1960/2019, CA-1961/2019, CA-2012/2019, CA-

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2691/2019, CA-91/2020, CA-891/2020, IA-2334/2020, IA-2240/2020, IA-4558/2020, IA-4985/2020, IA-5651/2020, IA-337/2021, IA-1246/2021, IA-6046/2021, IA-15/2022

List all these applications for physical hearing on 25.07.2022.

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**(RAMALINGAM SUDHAKAR)
PRESIDENT**

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**(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)**

31.05.2022
Ritu Sharma