

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No. 4895 OF 2022

BUDHPUR BUILDCON PVT. LTD.

...APPELLANT (S)

VERSUS

ABHAY NARAYAN MANUDHANE

...RESPONDENT (S)

ORDER

Heard learned counsel for the parties.

This appeal under Section 62 of the Insolvency and Bankruptcy Code, 2016 is against an order dated 19th July 2022 passed by the National Company Law Appellate Tribunal (NCLAT).

By the aforesaid order, the NCLAT concluded the hearing before it and reserved the judgment. The judgment is yet to be delivered.

Considering that an interim order which was in operation till August, 2021 stood vacated, the NCLAT clarified that at the time of conclusion of the final hearing, there was no interim order. Learned Counsel were given liberty to file written notes of submissions within a week from 19th July 2022. The time to file written submissions has not expired as yet.

We are not inclined to interfere with the impugned order whereby the appeal filed by the Appellant has only been reserved for judgment. Our attention has been drawn to an interim order dated 22nd March 2022 passed by the NCLAT in I.A. No.753 of 2022 filed by the Appellant, whereby the NCLAT directed the Respondent to defer discussion and decision on Revised Resolution

Plans till the next date of hearing and further advanced the date of hearing to 28th March 2022. Thereafter the Company Appeal along with I.A. No.753 of 2022 was listed for hearing before the NCLAT on 28th March 2022, 8th April 2022 and 9th May 2022 but could not be taken on each of those occasions due to paucity of time. On each occasion Counsel for the Appellant mentioned the Company Appeal and made a request for extension of the interim order dated 22nd March 2022, to which there was no objection from the Respondent. It is submitted that the request for extension of interim order was allowed on each occasion, but no formal order was recorded. We are informed that no decision has yet been taken on the Revised Resolution Plans. A meeting of the Committee of Creditors (CoC) is scheduled to be held today.

We direct that the meeting of the CoC may go on but no resolution shall be taken and, if already taken, there should be no voting on the resolution, till disposal of the appeal by the NCLAT.

We request the NCLAT to dispose of the appeal as early as possible.

The appeal is, accordingly, disposed of.

.....J.
[Indira Banerjee]

.....J.
[V. Ramasubramanian]

**New Delhi;
July 25, 2022**

ITEM NO.44

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4895/2022

BUDHPUR BUILDCON PVT. LTD.

Appellant(s)

VERSUS

ABHAY NARAYAN MANUDHANE

Respondent(s)

(IA No.101274/2022-GRANT OF INTERIM RELIEF and IA No.101275/2022-
EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA
No.101276/2022-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 25-07-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Aman Raj Gandhi, AOR
Mr. Pranaya Goyal, Adv.
Mr. Nitesh Ranawat, Adv.
Ms. Disha Shetty, Adv.
Ms. Apoorva Kaushik, Adv.
Mr. Chiranjivi Sharma, Adv.
Mr. Amit Bihari, Adv.

For Respondent(s) Mr. Rana Mukherjee, Sr. Adv.
Ms. Meghna Rao, Adv.
Mr. Manish Kumar Gupta, Adv.

Mr. Deepayan Mandal, Adv.

Mr. Shubhro Sanyal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed order.

We direct that the meeting of the CoC may go on but no
resolution shall be taken and, if already taken, there should be no
voting on the resolution, till disposal of the appeal by the NCLAT.

We request the NCLAT to dispose of the appeal as early as possible.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)