

**NATIONAL COMPANY LAW TRIBUNAL  
JAIPUR BENCH**  
*(through web-based video conferencing platform)*

Item No. 04

IA No. 318/JPR/2019

IA No. 51/JPR/2020

IA No. 116/JPR/2021

IA No. 172/JPR/2021

In

CP No. (IB)- 571/ND/2017

Under Section 7 of IBC, 2016

In the matter of:

Sushant Aneja & Anr.

...Financial Creditor

Versus

J. D. Aneja Edibles Pvt. Ltd.

... Corporate Debtor

And in the matter of IA No. 51/JPR/2020:

Rahul Aneja

.....Applicant

Versus

Sushant Aneja & Anr.

.....Respondent

And in the matter of IA No. 116/JPR/2021 & IA No. 172/JPR/2021:

Punjab National Bank

.....Applicant

Versus

Rahul and Ruchika Consortium

.....Respondent

Coram: HON'BLE MR. AJAY KUMAR VATSAVAYI, JUDICIAL MEMBER  
HON'BLE MR. K.K. VOHRA, TECHNICAL MEMBER

Present Through Video Conferencing: -

For the Applicant : Umang Gupta, Adv.  
Vikas Jain, For PNB  
Annie Singh Jhala, CS for RP

For the Respondent : None-appeared

## ORDER

### IA No. 116/JPR/2021

Mr. Vikas Jain, learned counsel appearing for the Applicant PNB, one of the member of the monitoring committee filed the instant IA under Section 33(3) of the IBC, 2016 seeking passing of the liquidation order against the Corporate Debtor on the ground that the successful Resolution Applicant has failed to implement the Resolution Plan as approved by the CoC as well as by this Adjudicating Authority. The Petitioner shall implead the erstwhile Resolution Professional who is the Chairman of the Monitoring Committee and also the original Financial Creditor as parties to this IA. He is permitted to file amended memo of parties within three days. Thereafter, issue notice. Ms. Annie Singh Jhala, CS accepts notice on behalf of the successful Resolution Applicant. Mr. Umang Gupta, Adv. accepts notice for all the Financial Creditors. The Applicant shall serve the notice on the erstwhile RP and file the affidavit of service within three weeks.

Reply, if any, may be filed within 3 weeks from the receipt of the notice, and rejoinder, if any, may be filed within 2 weeks thereafter. List the IA on 26.10.2021.

### IA No. 172/JPR/2021

Mr. Vikas Jain, learned counsel appearing for the Applicant filed the instant IA seeking permission to consider the compromise proposal submitted

by the guarantors to the loan given to the Corporate Debtor. The successful Resolution Applicant only is made as party in the instant IA. The Applicant is directed to implead the original Financial Creditors on whose instance the CP was filed and also the erstwhile RP who is the chairman of the Monitoring Committee as parties to the instant IA. The Applicant shall file amended memo of parties within three days. On filing of the same, issue notice to all the Respondents. Mr. Gupta, Adv. accepts notice for the Financial Creditors and Ms. Annie Singh Jhala, CS accepts notice for the successful Resolution Applicant. The Applicant shall serve the notice on the erstwhile RP and file the affidavit of service within three weeks.

Reply, if any, may be filed within 3 weeks from the receipt of the notice, and rejoinder, if any, may be filed within 2 weeks thereafter. List the matter on 26.10.2021.

**IA No. 318/JPR/2019**

When this IA is taken up for hearing, Mr. Umang Gupta, learned counsel appearing for the Applicant seeks leave of this Tribunal to withdraw the IA. Accordingly, the IA is dismissed as withdrawn.

**IA No. 51/JPR/2020**

This IA has been filed by the successful Resolution Applicant whose Resolution Plan has been approved by the Adjudicating Authority in IA No.

44/JPR/2019 vide order dated 07.06.2019 as Annexure-1 seeking to clarify paragraph 31 (i) of the said order. Ms. Annie Singh Jhala, CS appearing for the Applicant and Mr. Gupta, Adv. appearing for all the Respondents in the IA seeks short time to make their submissions on the point of maintainability of this I.A. and on merits. Reply has been filed vide Diary No. 557/2020 dated 05.06.2020. The Applicant is permitted to file rejoinder, if any, within two weeks, failing which its right to file rejoinder stands forfeited and the CP will be decided based on the records available on the next date of hearing. List the IA on 26.10.2021.

**IA No. 58/JPR/2019**

Heard Mr. Umang Gupta, Adv. for the Applicant. This IA has been filed by the Financial Creditor / Petitioner in CP No. (IB)-571(ND)2017 on whose instance CP was admitted, seeking rejection of the Resolution Plan. Since the Resolution Plan was already approved by this Adjudicating Authority vide order dated 07.06.2019, the instant IA having become infructuous is dismissed.

**IA No. 58/JPR/2018**

It is brought to our notice that IA No. 58/JPR/2018 was pending in this CP. The Registry shall verify and the same is also to be listed on 26.10.2021 along with the other IAs.

-Sd-

(K.K. Vohra)  
Technical Member

August 12, 2021

-Sd-

(Ajay Kumar Vatsavayi)  
Judicial Member