

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 104
(IB)-1504(PB)/2019

IN THE MATTER OF:

Corporation Bank

.... Applicant / petitioner

v.

Patna Highways Projects Ltd.

.... Respondent

Under Section 7 of Insolvency & Bankruptcy Code, 2016

Order delivered on 31.07.2021

CORAM:

SH. BHASKARA PANTULA MOHAN,
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant

Mr. Ramji Srinivasan, Sr. Adv, Mr Samar Bansal, Adv, Mr. Shivkrit Rai, Adv, Ms. Rajshree Chaudhary, Adv, Ms Harsheen Madan Palli, Adv, Mr Sachin Mishra, Adv. For COC

Mr. Arun Kathpalia, Senior Advocate, Mr. Prateek Kumar, Ms. Raveena Rai and Mr. Rohit Ghosh, Advocates (Counsels for the for Successful Resolution Applicant Respondent No. 3 in I.A. No. 2443/2021)

Mr. Vikram Nankani, Sr. Adv., Mr. Arijit Mazumdar, Adv., Ms. Akanksha Kaushik, Adv., For the Applicant GIPL (CA-2443/2021)

Mr. Prakash Shah A/W Mr. Durgaprasad Poojari For Proposed Intervenor Irb Infrastructure Developers

For the respondent

Mr. Gaurav Joshi, Senior Advocate, Ms. Pooja Mahajan, Adv., Ms. Mahima Singh, Adv., Ms. Srishti Kapoor, Adv. and Mr. Gaurav Arora, Adv. i/b Chandhiok and Mahajan (Counsels for the Resolution Professional)

Mr. Rajshekhar Rao, Sr. Adv with Mr. Raghavendra Mohan Bajaj, Mr. Agnish Aditya, Mr. Karthik Sundar, Advocates for Respondent No. 1 in I.A. No. 1761/2021

ORDER

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IA-1538/2021:- This is an application filed by the RP for approval of the resolution plan. The matter had been taken up for hearing, Mr. Gaurav Joshi, learned senior counsel for the RP appeared, Mr. Arun Kathpalia, learned senior counsel, appeared for the Successful Resolution Applicant and Mr. Ramji Srinivasan, learned senior counsel, appeared for the CoC and Mr. Vikram Nankani, learned senior counsel, appeared for the erstwhile promoters of the Corporate Debtor. This Bench enquired into the total debt i.e. total outstanding and how much does this resolution plan provide for and how much is being realised and in the said process, it has come to light that the total debt owed to the financial institutions is about Rs. 1311 crores and in that a consortium of banks, consisting ^{of} five banks in number, had assigned the loan for an amount of Rs. 935 crores to Phoenix ARC for an amount of Rs. 475 crores. In the said consortium of banks, who assigned the loan for an amount for an amount of 35 %, Yes Bank is also involved. This Bench is conscious of the fact that the erstwhile chairman of the Yes Bank, Mr. Rana Kapoor, was also arrested on account of certain fraudulent activities with

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regard to the bank and it is not clear whether this particular loan was owed to Yes Bank. Apart from that, it is also brought to our knowledge that Rs. 930 crores is being realised by way of the Resolution Plan and the successful resolution applicant is a company called M/s. Silver Point Luxembourg, which, it is submitted, has huge businesses across various countries in the world. One point that is required to be clarified is that why the financial institutions had compromised themselves and assigned the debt only for an amount of Rs. 475 crores while the actual figures was outstanding at Rs. 935 crores. We are conscious of the fact that this Tribunal is not vested with the power to go into the details as to why the banks have taken a decision to assign the loans at a discount, but at the same time it is also a fact that lot of adverse comments are being done against the various benches of NCLT for approving the Resolution Plans with huge haircuts. In the said scenario and in the said background and keeping in view the maximization of the assets and to render justice to all the stakeholders, this Bench wants to satisfy itself with all the particulars regarding the assignment of the loan and whether there is

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any possibility of fetching more monies for the financial creditors and whether the successful resolution applicant is in the same business as that of the corporate debtor and whether the actions taken on the part of the Resolution Professional are within the prescribed duties as per law. In view of the same, we require the CoC and RP to provide us the particulars at the earliest point of time, so that a comprehensive view can be taken and the public at large would be better in-formed that this Tribunal is not acting just as a rubber stamp for the approval of the Resolution Plans, but is going into the details^{and} only on satisfaction of all the facts and law before approval is accorded to the Resolution Plan. In view of the same this application is adjourned by four weeks to enable the stakeholders, successful resolution applicant, Resolution Professional and the members of the CoC, to provide all the necessary information as pointed out above so that a comprehensive view can be taken and only on the satisfaction of all the particulars, this Bench would proceed to consider the Resolution Plan. It is also made clear that all the parties

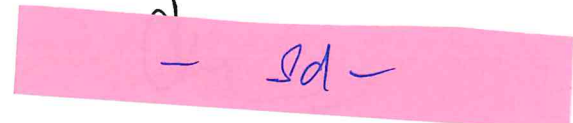
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may provide information as available with them for a better adjudication of the matter. Hence this order.

List for further consideration on 06.09.2021.

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(BHASKARA PANTULA MOHAN)
ACTG. PRESIDENT

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(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)

31.07.2021
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