

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

Item No. 106  
(IB)-1367(PB)/2018

**IN THE MATTER OF:**

ICICI Bank Ltd.

.... Applicant/petitioner

v.

C & C Construction Ltd.

.... Respondent

**SECTION:**

**Under Section 7 of IBC(CIRP)**

**Order delivered on 08.06.2021**

**CORAM:**

**SH. R. VARADHARAJAN**

**HON'BLE ACTG. PRESIDENT**

**SH. HEMANT KUMAR SARANGI**

**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant

Mr. Karan Valecha and Mr. Rajiv K. Virmani, Advs. for Monitoring Professional along with Ms. Reshma Mittal, Monitoring Professional. (IA-642/21, 2182/21 & 2479/2021)

For the respondent

Mr. Arun Kathpalia, Sr. Adv. with Mr. Swapnil Gupta, Advs. for Promoters  
Mr. Debarshi Bhadra, Adv. for EPIL  
Mr. Pulkit Deora, Adv. for RP

**ORDER**

IA/2235/2021 this is an Application which has been filed by the Resolution Professional seeking for the liquidation of the Corporate Debtor. In this connection, Ld. Advocate who represents the Board of Directors whose powers stand suspended and brings to the notice of this Tribunal that an application is pending for consideration in relation to a Scheme and even though 90% of the



CoC is willing to consider the scheme, however, the Resolution Professional has not placed the scheme before the CoC.

However, Ld. Advocate for the Resolution Professional brings to the notice of this Tribunal that the 25<sup>th</sup> CoC meeting, the scheme has formulated by the Respondent Board of Directors whose powers stood suspended was placed before the CoC.

In relation to IA/2164/2021 which has been filed before this Tribunal and which has been posted on 13.07.2021 and it is submitted by the Ld. Senior Counsel for the Board of Directors whose powers stood suspended that this Application seeking for liquidation be also taken up along with the said Application IA/1246/2021 on 13.07.2021.

It also pointed out by the Ld. Senior Advocate for the Respondent in IA/2235/2021 that even though the CoC has also been made the Respondent in the Application seeking for liquidation, however, no proof has been filed to establish that the CoC has been served.

To counter the same, Ld. Advocate for the Applicant represents in IA/2235/2021 that proof of service on the CoC has been duly enclosed along with the typed set filed along with the



Application, however, there is no representation on the part of the CoC.

In the circumstances, the Resolution Professional is directed to issue notice through this Tribunal to the CoC within one (1) week from today and file proof of compliance in this regard.

Let this matter be posted along with IA/2146/2021 on **13.07.2021.**

Sd/-

(R. VARADHARAJAN)  
ACTG. PRESIDENT

Sd/-

(HEMANT KUMAR SARANGI)  
MEMBER (TECHNICAL)