

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-III**

**Item No.-3**  
New IA-330/2021  
in  
IB-22(ND)/2018

**IN THE MATTER OF:**

Oriental Bank of Commerce

**Vs.**

M/s. Shekhar Resorts Ltd. & Ors.

**....FINANCIAL CREDITOR**

**....RESPONDENT**

**SECTION**

**U/s 7 IBC code 2016**

**Order delivered on 01.02.2021**

**CORAM:**

**CH. MOHD. SHARIEF TARIQ**

**MEMBER (JUDICIAL)**

**SHRI NARENDER KUMAR BHOLA**

**MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant/FC

For the Respondent

: Mr. Pulkit Raswant, Advocate

: Mr. Abhishek Anand, Adv. for R-1,

Mr. Abhishek Garg, Adv for R2

**ORDER**

**IA-330/2021:-**

Counsel for the Applicant is present. The main prayers made in the Application are to cancel the Resolution Plan of M/s NCJ infrastructure Private Limited for non-compliance of Regulation 28 of the CIRP Regulations, 2016 read with Section 30(2)(e) and Section 29A of IBC, 2016 and consider the Resolution Plan of the Applicant namely, Mr. Amit Goyal under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 and allow the Applicant to submit fresh Resolution Plan after due date.

The Counsel for the Respondent No. 1 [Resolution Professional] is present and submits that the Resolution Plan was approved on 24.07.2020 by this Authority against which the Appeal was filed before the Hon'ble NCLAT by the Applicant and the Promoters, which was dismissed on

Mamta

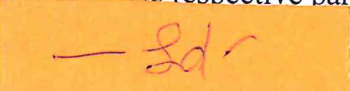
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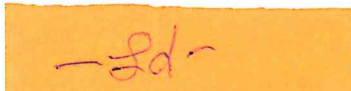
14.09.2020. Thereafter, an appeal was filed before the Hon'ble Supreme Court and vide order dated 12.01.2021 the Civil appeal No. 4220 of 2020 was **dismissed**.

It is further submitted that the Applicant has challenged the Resolution Plan before the Hon'ble NCLAT and thereafter withdrew the same. The Counsel for the Successful Resolution Applicant caused appearance and submitted that the Resolution Plan approved on 24.07.2020 has already been implemented.

In the Light of the facts and circumstances recorded hereinabove, the order dated 24.07.2020 has attained finality. Therefore, application has become infructuous and the same stands dismissed.

The order is dictated through video conferencing and pronounced in the presence of the counsels for the respective parties.

  
(NARENDER KUMAR BHOLA)  
MEMBER (TECHNICAL)

  
(CH. MOHD. SHARIEF TARIQ)  
MEMBER (JUDICIAL)

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