

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 683 of 2018

IN THE MATTER OF:

**Ashok B. Jiwrajka, Director of
Alok Infrastructure Ltd.**

...Appellant

Vs

Axis Bank Ltd.

....Respondent

Present:

**For Appellant: Mr. Arun Kathpalia, Sr. Advocate with
Mr. Rohit Gupta, Ms. Petrushka Das Gupta and
Mr. Udit Gupta, Advocates.**

For Respondents: Mr. K. Dutta, Advocate.

ORDER

16.01.2019: Having heard learned counsel for the parties, we find that a separate Corporate Insolvency Resolution Process has been initiated against 'Alok Industries Ltd.' (Holding Company). Subsequently, another Corporate Insolvency Resolution Process has been initiated pursuant to application filed by another financial creditor against 'Alok Infrastructure Ltd.' (Subsidiary of Alok Industries Ltd.). This appeal has been preferred by 'Mr. Ashok B. Jiwrajka', Director of 'Alok Infrastructure Ltd.' against order dated 24th October, 2018 whereby and whereunder Corporate Insolvency Resolution Process has been initiated against 'Alok Infrastructure Ltd.' (Subsidiary Company).

2. Learned senior counsel appearing on behalf of the Appellant submits that the insolvency resolution process should not continue till the Corporate Insolvency Resolution Process is decided under Section 31 in the case of 'Alok Industries Ltd.' (Holding Company). However, such submission cannot be accepted as a separate Corporate Insolvency Resolution Process has been initiated against another Corporate Debtor which is separate from the Corporate Insolvency Resolution Process initiated against 'Alok Infrastructure Ltd.', of which the Appellant is the Director.

3. Learned counsel appearing on behalf of the Appellant further submits that a resolution plan has already been approved in the case of 'Alok Industries Ltd.' and the matter was placed before the Adjudicating Authority in July, 2018 for its approval under Section 31 of Insolvency and Bankruptcy Code, 2016. However, no decision has been taken by the Adjudicating Authority. If so, we are of the view that the concerned Adjudicating Authority should decide the same immediately. If resolution plan has been filed in the case of 'Alok Industries Ltd.' and Resolution Professional of the said case has placed the approved resolution plan in respect of 'Alok Industries Ltd.' before the Adjudicating Authority, the concerned Adjudicating Authority is required to decide it preferably within three weeks.

4. We make it clear that we have not stayed the Corporate Insolvency Resolution Process initiated against 'Alok Infrastructure Ltd.' and the Resolution Professional, the Committee of Creditors and the Adjudicating Authority will continue with the same in accordance with law within the time specified in the law.

5. The appeal stands disposed of with aforesaid observations. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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