

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 620 of 2018**

**IN THE MATTER OF:**

**Power Mech Projects Ltd.**

**...Appellant**

**Vs**

**Savan Godiawala, R.P./ Liquidator for  
Lanco Infratech Ltd. & Anr.**

**....Respondents**

**Present:**

**For Appellant: Mr. Ashim Sood and Mr. Aditya Kumar, Advocate.**

**For Respondents: Ms. Misha, Advocate for Liquidator.**

**ORDER**

**05.10.2018:** This appeal has been preferred by the Appellant against order dated 27<sup>th</sup> August, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Hyderabad Bench, Hyderabad whereby the application filed by the Appellant under Section 60(5) of the I&B Code with prayer to enable the Appellant to submit Resolution Plan has been rejected.

2. From the submission made on behalf of the Appellant, learned counsel appearing on behalf of the Liquidator and record, we find that the Appellant filed an Expression of Interest pursuant to Information Memorandum after 23<sup>rd</sup> November, 2017 when Section 29A came into force. Having come to know that Appellant has become ineligible because of being declared NPA in subsidiary of the Corporate Debtor, it did not file the Resolution Plan and Adjudicating Authority passed order under Section 33(1)(b) for liquidation. Then application under Section 60(5) was filed by the Appellant to enable the Appellant to submit its Resolution Plan.

3. The fact that the Appellant has apprehended that he has become ineligible in terms of explanation given below Section 29A and did not file a resolution plan, after order of liquidation, it cannot be made eligible to file resolution plan

on the ground that in terms of the amended Section 29A Appellant is now eligible to file Resolution Plan. This apart, in absence of challenge of order of liquidation, the application under Section 60(5) for submission of the Resolution Plan was also uncalled for. We find no merit in this appeal. It is accordingly dismissed.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*am/gc*