

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.850 of 2019

IN THE MATTER OF:

S.P. Coal Resources Pvt. Ltd.

...Appellant

Versus

Indus FILA Ltd. & Ors.

...Respondents

Present:

**For Appellant: Shri Goutham Shivshankar and Shantanu Singh,
Advocates**

For Respondent: None

O R D E R

22.08.2019 The learned Counsel for the Appellant submits that the Impugned Order is communicated to the Appellant on 5th July, 2019 wherein after the Appeal has been preferred on 13th August, 2019, there was a delay of about 9 days.

Having heard learned Counsel for the Appellant and being satisfied with the grounds, the delay of 9 days in preferring the Appeal is condoned. Interlocutory Application No.2584 of 2019 stands disposed of.

Learned Counsel appearing on behalf of the Appellant submits that the Resolution Plan approved by the Adjudicating Authority (National Company Law Tribunal, Bengaluru Bench) is discriminatory as Operational Creditors have been provided with NIL amount i.e. 0% whereas the Financial Creditors have been provided with 7.59/7.54 percent.

Let Notice be issued on Respondents including Respondent – SPG Macrocosm Limited. Requisite along with process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of Respondents, let notice be also issued through e-mail.

Post the case 'for admission' on 24th September, 2019.

In the meantime, if the Interim Resolution Applicant intends to proceed with Resolution Plan, it will be at his own risk and subject to decision of Appellate Tribunal.

IA No.2582 of 2019 stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/rs/sk