

**THE NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH  
(through web-based video conferencing platform)**

**Item No. 13**

**IA Nos. 546/2020, 32/2021, 166/2021,  
433/2021, 331/2021, 584/2021, 98/2022,  
180/2022, 178/2022, 179/2022, 572/2022,  
751/2022, 1055/2022, 1056/2022,  
1057/2022, 1058/2022 & 1059/2022**

**In**

**CP (IB) No. 105/Chd/Hry/2019  
(Admitted Matter)**

**Under Sections 12(3), 30(6), 31(1),  
43, 45, 66 & 60(5) of the Insolvency  
and Bankruptcy Code, 2016 and  
Rule 11 of NCLT Rules, 2016 read  
with Regulation 40 of IBBI (IRP for  
CP) Regulations, 2016**

**In the matter of:-**

Kussum Chadha Ahuja & another                      ...Financial Creditors

**Versus**

C & C Towers Limited                                      ....Corporate Debtor

**Present through Video Conferencing:**

Mr. Anand Chhibbar, Senior Advocate with Mr. Sanjay Bhatt, Advocate and Mr. Vaibhav Sahni, Ms. Apoorva and Ms. Ruchi Advocates for applicant in IA Nos. 166/2021, 32/2021 & 331/2021 and for respondent in IA Nos. 180/2022, 572/2022, 751/2022, 179/2022 & 180/2022 and for respondent No. 1 in IA Nos.1055/2022, 1056/2022, 1057/2022, 1058/2022 & 1059/2022. Mrs. Munisha Gandhi, Senior Advocate with Mr. Vaibhav Sharma, Advocate with Ms. Salina Chalana, Advocate for applicant-GMADA in IA No. 572/2022.

Mr. Sumesh Dhawan with Ms. Vatsala Kak, Advocates for Successful Resolution Applicant in IA Nos. 572/2022 and for respondent No. 2 in IA Nos. 1055/2022, 1056/2022, 1057/2022, 1058/2022 & 1059/2022.

Ms. Pridhi Singla with Mr. Nahush Jain, Advocate for applicant in IA No. 433/2021 and for respondent No. 46 in IA No. 546/2020.

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Mr. Sanjay Bhatt, Advocate for respondent-Resolution Professional in IA No. 433/2021 and for respondents in IA No. 98/2022.

Mr. R.S. Randhwa, Advocate for applicants in IA No. 98/2022.

Mr. Srijan Sinha, Advocate with Mr. Himanshu Chaubey, Ms. Parul Dhurvey and Mr. Naveen Soni, Advocates for applicant in IA Nos. 178/2022 & 179/2022.

Mr. Vivek Sethi, Advocate for applicant in IA No. 751/2022.

Mr. Ajay Bhagwati, Advocate for applicant in IA No. 180/2022.

Ms. Isha Bhardwaj, Advocate for respondent No. 6 in IA No. 584/2021.

Mr. Sumer Singh Brar, Advocate, proxy counsel for Mr. Nitin Kant Setia, Advocate for applicant in Nos. 1055/2022, 1056/2022, 1057/2022, 1058/2022 & 1059/2022.

None for remaining respondents in IA No. 546/2020.

### **IA No. 98/2022**

Heard the learned counsels for the parties. Orders reserved.

### **IA No. 180/2022**

2. Heard the learned counsels for the parties. Orders reserved.

### **IA No. 751/2022**

3. Reply filed by respondent-Resolution Professional vide Diary No. 01509/1 dated 01.08.2022 is taken on record. Heard the learned counsels for the parties. Orders reserved.

### **IA No. 178/2022**

4. This is an application for stay of proceedings in CP (IB) No. 105/Chd/Hry/2019 till the adjudication of IA No. 5651 of 2021 as filed in CP (IB) No. 1367(PB) of 2018 by the Hon'ble NCLT, Principal Bench. It is informed by the learned counsel for the applicant that the Principal Bench has dismissed this IA No. 5651/2021 giving liberty to the applicant to take up the same contention before this Bench, if so advised. In these circumstances, IA No. 178/2022 is rendered infructuous and disposed of accordingly.

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**IA No. 179/2022**

5. Learned counsel for the applicant has requested for a further accommodation. The learned counsel for the respondent-Resolution Professional has objected to this request for further time. Considering the facts and circumstances, one last accommodation is allowed to the applicant. List the case for hearing alongwith the resolution plan on 29.09.2022.

**IA No. 572/2022**

6. Learned senior counsel for the applicant is given further time for filing the short written submissions. The same be filed within one week with a copy in advance to the counsel opposite. The matter be listed on 29.09.2022 for arguments.

**IA Nos. 32/2021 & 166/2021**

7. These are applications for extension of time limit for completion of the resolution process. These may be taken up alongwith IA No. 331/2021 for the approval of the resolution plan. The matter be listed on 29.09.2022.

**IA No. 546/2020**

8. This is an application filed by the applicant-Resolution Professional to issue directions to respondent Nos. 1 to 349 to disburse immediately their respective pro rata share of the interim finance set out in Annexure-14 approved by the COC of the corporate debtor in accordance with the provisions of I&B Code, 2016. Records indicate that notices have been issued and the affidavit of service is on record as mentioned in our order dated 18.05.2022. Nobody is appearing on behalf of respondents except in respect of the respondent No. 46. Reply filed by respondent No. 46 vide Diary No. 001737/1 dated 02.08.2022 is taken on record. Last opportunity is granted to

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remaining respondents to file replies, if any, within two weeks with a copy in advance to the counsel opposite and rejoinder thereto, if any, one week thereafter with a copy in advance to the counsel opposite. Response to the same, if any, be filed three days before the next date of hearing with a copy in advance to the counsel opposite. The matter be listed on 29.09.2022.

**IA No. 584/2021**

9. The present application has been filed under Sections 43, 45 & 66 of the I&B Code, 2016 and Rule 11 of NCLT Rules, 2016. It is seen that the said application is a composite application for fraudulent transactions and in view of the judgment of the Hon'ble Supreme Court in **Anuj Jain Vs. Axis Bank Limited and Ors. : MANU/SC/0228/2020** case, it should be segregated. Let the needful be done within two weeks. The matter be listed on 29.09.2022.

**IA Nos. 1055/2022, 1056/2022, 1057/2022, 1058/2022 & 1059/2022**

10. Heard. Issue notice of this application to the respondents. Mr. Sanjay Bhatt, learned counsel is present on behalf of respondent No. 1 and Ms. Vatsala Kak, learned counsel is present on behalf of respondent No. 2 and are ready to accept the notice. The learned counsel for applicant is directed to supply a copy of application and the entire paper book to the learned counsel for respondents within two days, if not supplied earlier. Reply be filed by respondents within one week with a copy in advance to the counsel opposite and rejoinder thereto, if any, be filed one week thereafter with a copy in advance to the counsels opposite. In the meantime, learned counsel for parties are directed to file their short written submissions alongwith supporting case law(s), if any, at least one week before the next date of hearing after

exchanging copies with each other. The matter be listed on 29.09.2022 for arguments.

**IA No. 331/2021**

11. In compliance of our order dated 15.07.2022, Resolution Professional has filed affidavit vide Diary No. 00699/5 dated 01.08.2022. Another affidavit filed on behalf of Successful Resolution Applicant vide Diary No. 00699/4 dated 03.08.2022, are taken on record.

12. Keeping in view the decisions of the Hon'ble NCLAT in the case of ***Tourism Finance Corporation of India Ltd. Vs. Rainbow Papers Ltd. & Ors.*** in C.A. (AT)(Ins) No. 354 of 2019, decided on 19th August, 2019, and ***Sikander Singh Jamuwal versus Vinay Talwar and Others***, Company Appeal (AT)(Ins) No.483 of 2019 decided on 11.03.2022, the SRA is directed to submit an affidavit stating that the SRA will pay the contribution and other sums due from the corporate debtor under any provision of the Employees Provident Funds and Miscellaneous Act, 1952 Act or the Scheme or the Pension Scheme or the Insurance Scheme, and under The Payment of the Gratuity Act, 1972, as the case may be, in respect of the period up to the date of approval of the resolution plan by the Adjudicating Authority.

13. The matter be listed on 29.09.2022.

**IA No. 433/2021**

14. The matter be listed on 29.09.2022 for arguments.

As per order dated 16.08.2022 passed in IA No. 916/2022 antecedents of Mr. Anuj Jain, IP has been verified by the Registry from the database provided by IBBI as there is no adverse remarks against him. He is directed to take charge as RP and proceed further in accordance with the law.

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Registry is directed to list the matter high up in the cause list.

Sd/-  
(Subrata Kumar Dash)  
Member (Technical)

Sd/-  
(Harnam Singh Thakur)  
Member (Judicial)

September 06, 2022  
YP