

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal No 3624 of 2020

Vivek Agarwal

.... Appellant(s)

Versus

Kanak Resources Management Limited & Anr

....Respondent(s)

ORDER

- 1 By the order of this Court dated 13 April 2021, a reference was made to Hon'ble Mr Justice D K Jain, a former Judge of this Court, who has been supervising the resolution process of the IL&FS Group of Companies, pursuant to an order of appointment by the National Company Law Appellate Tribunal.

- 2 The specific issue which was referred to the learned Judge was whether the two settlements arrived at in the course of the present proceedings on 5 April 2021 would face any bar or prohibition arising out of the pending proceedings in regard to the IL&FS Group of Companies. Paragraph 4 of the order dated 13 April 2021 reads as under:

“4 By way of abundant caution, we are of the view that it would be appropriate if the proposed settlements, in these proceedings, are placed before Hon'ble Mr Justice D K Jain. We accordingly request the learned Judge to scrutinize the settlements and to submit a report before this Court, apprising the Court on whether the acceptance of the settlements in terms as prayed and for disposal of the appeal would face any other bar or prohibition arising out of the pending proceedings in regard to the IL&FS Group of Companies. We would request the learned Judge to complete this exercise

preferably within a period of two weeks from today. Both the parties would be at liberty to appear before Hon'ble Mr Justice D K Jain and move a formal application for directions in view of the order of this Court."

- 3 Hon'ble Mr Justice D K Jain has, after hearing the parties and scrutinizing the settlements in question, arrived at the following conclusion:

"9. Having scrutinized the Agreements in question (Annexure 'A' and 'G' to I.A. 50048 of 2021), in the light of the inputs provided by the IL&FS Team, which is conversant with all pending proceedings in regard to the IL&FS Group of Companies and also deliberating upon the matter with Ld. Counsel for the Parties, the undersigned feels that the acceptance of the Settlement Agreements would not face any bar or prohibition arising out of the pending Resolution Process of IL&FS Group of Companies, being supervised by the undersigned in terms of the orders passed by the Hon'ble NCLAT."

- 4 In view of the above clarification in the report, there appears to be no reason why the settlements should not be accepted. The settlements envisage that the first tranche of payment was to be made by the first respondent to the concerned parties on 15 April 2021, while the second tranche was to be made on 25 April 2021 and, in the meantime, the appellant was required to transfer the shares.
- 5 It has now been agreed between Mr Amit Agrawal, learned counsel appearing on behalf of the appellant and Mr Vikas Goel, learned counsel appearing on behalf of the first respondent, that as the time lines in the settlements have already come to an end, the first tranche of payment shall be effected in terms of the settlements on or before 15 August 2021 by the first respondent, while the second tranche shall be paid over on or before 25 August 2021.
- 6 Save and except for the modification in regard to the time schedule for payment, the rest of the terms of the settlements shall continue to remain as they are and the parties shall abide by their respective obligations in terms of the

Settlements.

- 7 The appeal is accordingly disposed of, accepting the settlements on the record.
- 8 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[M R Shah]

New Delhi;
August 06, 2021
-S-

ITEM NO.1 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).3624/2020

VIVEK AGARWAL Appellant(s)

VERSUS

KANAK RESOURCES MANAGEMENT LIMITED & ANR. Respondent(s)

(I.A No. 50048 of 2021 -APPLICATION SEEKING PERMISSION TO BRING ON RECORD SETTLEMENT AGREEMENT AND DISPOSAL OF PRESENT CIVIL APPEAL)

Date : 06-08-2021 This appeal was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Mr. Amit Agrawal, AOR
Ms. Radhika Yadav, Adv.

For Respondent(s) Mr. Vikas Goel, Adv.
Mr. Rahul Shyam Bhandari, AOR
Mr. Siddharth Pandey, Adv.

Ms. Kavita Jha, AOR

Mr. Amit Agrawal, AOR

Mr. Vipul Ganda, Adv.
Mr. Satyajit A. Desai, Adv.
Ms. Anagha S. Desai, AOR
Mr. Satya Kam Sharma, Adv.
Mr. Aman Choudhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 The appeal is disposed of in terms of the signed order.
- 2 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)