

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 3824 of 2020

Excel Tubes and Cones

.... Appellant(s)

Versus

Saurabh Bharat Bhushan Jain and Anr

....Respondent(s)

ORDER

1 By an order dated 8 September 2021, Company Petition No 62 of 2021 was admitted against the Corporate Debtor by the National Company Law Tribunal. Pursuant to the order of admission, the Corporate Insolvency Resolution Process¹ has commenced. Counsel appearing on behalf of the Insolvency Resolution Professional² has stated before the Court that the Committee of Creditors³ was constituted and the resolution plan has been approved by it. The resolution plan is awaiting the approval of the adjudicating authority. It has also been stated by counsel for the IRP that the claim of the appellant has been admitted by the CoC.

2 In this view of the matter and since the CIRP has already commenced, nothing further would survive in these proceedings. However, it is clarified that any observations contained in the impugned order of the National Company Law Appellate Tribunal dated 23 September 2020 shall not affect the merits of the claim of the appellant which may be pursued in accordance with law.

3 The Civil Appeal is accordingly disposed of.

1 “CIRP”

2 “IRP”

3 “CoC”

4 Pending application, if any, stands disposed of.

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

.....J.
[Surya Kant]

New Delhi;
May 02, 2022
-S-

ITEM NO.39 Revised SECTION XVII
 COURT NO.4

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Civil Appeal No(s).3824/2020

EXCEL TUBES AND CONES

Appellant(s)

VERSUS

SAURABH BHARAT BHUSHAN JAIN & ANR.

Respondent(s)

(IA No.122366/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 37448/2022 - APPLICATION FOR PERMISSION, IA No. 56931/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 6020/2021 (XVII)

(WITH IA No. 125692/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 125694/2021 - STAY APPLICATION)

Date : 02-05-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MR. JUSTICE SURYA KANT

For Appellant(s)

Mr. Pavan Godiawala, Adv.
 Mr. M.S.Vishnu Sankar, Adv.
 Mr. Sriram Parakkat. Adv.
 Ms. Athira G. Nair, Adv.
 Ms. Divya Jyothi Singh, Adv.
 M/S Lawfic, AOR

Mr. Keith Varghese, Adv.
 Ms. Rashi Bansal, AOR

For Respondent(s)

Mr. Sanyat Lodha, AOR
 Ms. Honey Satpal, Adv.

Mr. Keith Varghese, Adv.
 Ms. Rashi Bansal, AOR

Mr. Pratik Thakkar, Adv.
 Mr. Vishal Prasad, AOR

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

Civil Appeal No(s).3824/2020

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

Civil Appeal No. 6020/2021

List the appeal on 22 July 2022.

**(SANJAY KUMAR-I)
AR-CUM-PS**

(Signed order is placed on the file)

**(RAM SUBHAG SINGH)
COURT MASTER**

ITEM NO.39

COURT NO.4

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

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