

3. The review petitioner initially moved a clarification application, being M.A. No. 1936 of 2019, for modification of the order dated 08.03.2019 seeking therein recalling of the liberty granted to the respondent no. 1. The respondent no. 1 appeared and filed a reply to the clarification application. After a lengthy hearing, the review petitioner sought liberty to withdraw the clarification application in order to file the present review petition.

4. The learned senior counsel appearing on behalf of the review petitioner claims that subsequent to the above order dated 08.03.2019, the respondent no. 1 is misusing the liberty granted by this Court to re-agitate the issues settled by this Court by the dismissal of the respondent no. 1's civil appeal. The petitioner submits that an application, being C.A. No. 254 of 2019, has been moved by the respondent no. 1 before the National Company Law Tribunal to recall the order dated 06.07.2018 passed by it, which was the subject matter of the civil appeal dismissed by this Court *vide* order dated 08.03.2019. As such, the question of admission of the application for initiating the corporate insolvency resolution process stands finally decided and cannot now be reopened, which is what the respondent no. 1 is attempting to do with its application being C.A. No. 254 of 2019 filed before the National Company Law Tribunal.

5. On the other hand, the learned senior counsel appearing on behalf of respondent no. 1 submits that any application that may have been filed before the National Company Law Tribunal, subsequent to the order dated 08.03.2019 passed by this Court, cannot be used as a

ground for review. Additionally, the learned senior counsel submitted that even if the prayers in the application filed by the respondent no. 1 before National Company Law Tribunal are in wide terms, the National Company Law Tribunal has only issued notice on the same, and no decision had been taken by it.

6. Heard the learned senior counsel for the parties.

7. While the review petitioner seeks recalling of the liberty granted to the respondent no. 1 *vide* order dated 08.03.2019 on the grounds that the same is being misused by them, we are of the opinion that this petition can be disposed of with the observation that the liberty granted cannot be interpreted to allow for reopening of the issues that were settled by this Court finally by dismissing C.A. No. 1927 of 2019 filed by the respondent no. 1. Such an interpretation would render the order of dismissal of the Civil Appeal by this Court nugatory. When the Civil Appeal filed by respondent no. 1 was dismissed by this Court *vide* order dated 08.03.2019, it meant that the order dated 06.07.2018 passed by the National Company Law Tribunal and the order dated 20.12.2018 passed by the National Company Law Appellate Tribunal were upheld, and that the issue of the admission of the corporate insolvency resolution application cannot now be reopened. Therefore, any subsequent application filed by a party before the National Company Law Tribunal must be decided without reopening the issue already adjudged, independently, in accordance with the law.

8. Present review petition is disposed of in the afore-stated terms. Pending applications, if any, are also disposed of.

9. Taking into account the long pendency of the matters before the National Company Law Tribunal, we direct the Tribunal to decide the same expeditiously.

.....J
(N.V. RAMANA)

.....J
(MOHAN M. SHANTANAGOUDAR)

**NEW DELHI;
MARCH 02, 2021**

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 SR.P.(C) No.687/2020 in C.A. No.1927/2019

M/S PHOENIX ARC PVT LTD.

Petitioner(s)

VERSUS

LALAN KUMAR SINGH & ANR.

Respondent(s)

IA No.55521/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No.65780/2020 - INTERVENTION APPLICATION

IA No.30922/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS.

Date : 02-03-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Basava Prabhu Patil, Sr.Adv.
Mr. Amar Dave, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rohan Talwar, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. C.U. Singh, Sr.Adv.
Mr. Pulkit Deora, Adv.
Ms. Pooja Mahajan, Adv.
Ms. Mahima Singh, Adv.
Mr. Gaurav Arora, Adv.
Mr. Ritesh Kumar, AOR

Mr. Puneet Singh Bindra, AOR
Mr. Abhishek Anand, Adv.
Ms. Simran Jeet, Adv.
Mr. Akshay Goel, Adv.
Mr. Rakesh Patel, Adv.

Ms. Mithu Jain, AOR
Mr. Apoorve Karol, Adv.

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

This Court is convened through Video Conferencing.

Present review petition is disposed of in terms of the signed order. Pending applications, if any, are also disposed of.

Taking into account the long pendency of the matters before the National Company Law Tribunal, we direct the Tribunal to decide the same expeditiously.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAJ RANI NEGI)
DEPUTY REGISTRAR

(Signed order is placed on the file)