

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

**Civil Appeal No.3083 OF 2020**

**DAMODAR VALLEY CORPORATION**

**Appellant(s)**

**VERSUS**

**DIVYA JYOTI SPONGE IRON PVT. LTD & ORS.**

**Respondent(s)**

**O R D E R**

1. This appeal under Section 62 of the Insolvency and Bankruptcy Code, 2016 (for short, "the IBC") is directed against the order passed by the National Company Law Appellate Tribunal, New Delhi (for short "the NCLAT") dated 20.01.2020 in Company Appeal (AT)(Insolvency) No.1079/2019 by which the appeal filed by the appellant herein came to be disposed of issuing appropriate directions, however, at the same time taking the view that the appeal filed by the appellant was time barred.

2. We heard Mr. Vikas Singh, the learned senior counsel appearing for appellant-corporation and Mr. Ritin Rai, the

learned senior counsel appearing for the respondent no.3 i.e. the successful resolution applicant. We also heard Ms. Arti Singh, the learned counsel appearing for the COC.

3. Prima facie, we are of the view that there was no good reason for the appellant herein to file an appeal before the Appellate Tribunal. The right remedy for the appellant should have been to go back to the NCLT with an appropriate application.

4. We do not propose to say anything further in the matter as Mr. Singh made a fervent appeal that he may be permitted to withdraw this appeal with liberty to go back to the NCLT.

5. In the facts and circumstances of the case, we permit Mr. Singh to withdraw this appeal with liberty to go back to the NCLT. It shall be open for the appellant herein to initiate appropriate proceedings before the NCLT as regards the dispute/subject matter in accordance with law.

6. At this stage Mr. Singh on his own submitted that his client would like to initiate appropriate criminal prosecution. Well, we do not say anything in this regard. It is always open for the parties to take recourse available to them in law.

7. It is needless to clarify that we have passed this order without prejudice to the rights and contentions of all the parties concerned in this litigation.

8. With the aforesaid, this appeal stands disposed of as not pressed.

.....J.  
[J.B. PARDIWALA]

.....J.  
[R. MAHADEVAN]

New Delhi  
18<sup>th</sup> March, 2025.  
cd

ITEM NO.2

COURT NO.13

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). 3083/2020

DAMODAR VALLEY CORPORATION

Appellant(s)

VERSUS

DIVYA JYOTI SPONGE IRON PVT. LTD & ORS.

Respondent(s)

FOR ADMISSION

Date : 18-03-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Mr. Vikash Singh, Sr. Adv.  
Ms. Madhumita Bhattacharjee, AOR  
Ms. Debarati Sadhu, Adv.  
Mr. Anant, Adv.  
Ms. Moumita Bhattacharjee, Adv.  
Ms. Srijia Choudhury, Adv.

For Respondent(s) : Mr. Ritin Rai, Sr. Adv.  
Mr. Soumya Dutta, AOR  
Mr. Avishek Guha, Adv.  
Mr. Daksh Kadian, Adv.  
Mr. Siddhant Upmanyu, Adv.  
Ms. Arti Singh, AOR  
Mr. Aakashdeep Singh Roda, Adv.  
Ms. Pooja Singh, Adv.  
Mr. B P Singh, Adv.

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

The appeal is disposed of as not pressed in terms of the signed order which is placed on the file.

(CHANDRESH)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)