

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 2094 OF 2022**

**CANARA BANK THROUGH ITS  
GENERAL MANAGER, HYDERABAD**

**APPELLANT(S)**

**VERSUS**

**IDBI BANK THROUGH ITS AUTHORIZED  
SIGNATORY, MUMBAI & ORS.**

**RESPONDENT(S)**

**WITH**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2022  
**(@ DIARY NO. 5881 OF 2022)****

**ORDER**

1. Application for permission to file civil appeal @ diary no. 5881 of 2022 is allowed.
2. These appeals are directed against the judgment passed by the National Company Law Appellate Tribunal, Principal Bench, Delhi (for short 'the NCLAT') dated 21<sup>st</sup> January, 2022 in Company Appeal (AT) (Insolvency) No. 553 of 2019 setting aside the order passed by the National Company Law Tribunal, Hyderabad Bench (for short 'the NCLT') dated 9<sup>th</sup> May, 2019 followed with 3<sup>rd</sup> June, 2019.

3. It is informed to this Court that Company Appeal (AT)(Insolvency) No. 982 of 2019 is still pending before the NCLAT, which is also reflected from the order dated 1<sup>st</sup> December, 2021 passed by the NCLAT in Company Appeal No. (AT)(Insolvency) No. 347 of 2021.

4. After we have heard the learned Counsel for the parties and taking into consideration the material on record, we are of the opinion that the appeal pending before the NCLAT Company Appeal (AT) (Insolvency) No. 982 of 2019 has to be heard along with Company Appeal (AT) (Insolvency) No. 553 of 2019 which has been decided by the NCLAT under the order impugned dated 21<sup>st</sup> January, 2022.

5. We further make it clear that the resolution plan which was approved by the CoC and later by the adjudicating authority at one stage shall not be further acted upon and await the result of the appeals which are to be decided by the NCLAT.

6. All contentions are open for the parties to be raised before the NCLAT in the pending appeals.

7. Let the resolution professional may continue and await the outcome of the pending appeals.

8. The appeals are accordingly allowed in the above terms. The order passed by the NCLAT dated 21<sup>st</sup> January, 2022 is hereby set aside and Company Appeal (AT) (Insolvency) No. 553 of 2019 is

restored on the file of NCLAT and be heard along with Company Appeal (AT) (Insolvency) No. 982 of 2019 as expeditiously as possible but in no case later than three months.

9. Copy of this order be sent to the NCLAT for necessary compliance.

10. Let the parties appear before the NCLAT on 19<sup>th</sup> May, 2022 as already fixed, as informed to this Court.

11. Pending application(s), if any, shall stand disposed of.

.....**J**  
**(AJAY RASTOGI)**

.....**J**  
**(VIKRAM NATH)**

**NEW DELHI;**  
**MAY 10, 2022.**

ITEM NO.18

COURT NO.12

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). 2094/2022

CANARA BANK THROUGH ITS  
GENERAL MANAGER, HYDERABAD

APPELLANT(S)

VERSUS

IDBI BANK THROUGH ITS AUTHORIZED  
SIGNATORY, MUMBAI & ORS.

RESPONDENT(S)

(List on 10th May, 2022 at 2.00 p.m., as a first case)  
(IA No. 65567/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/  
ANNEXURES, IA No. 60155/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS / FACTS/ ANNEXURES, IA No. 44924/2022, 60155/2022,  
65567/2022, 70026/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ ANNEXURES, IA No. 41601/2022 - STAY APPLICATION,  
IA No.69832/2022 - APPLN. FOR INTERVENTION)

WITH

DIARY NO(S). 5881/2022 (XVII)

(IA No. 54385/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES, IA No. 47889/2022 - PERMISSION TO FILE  
APPEAL, IA No. 47891/2022 - STAY APPLICATION)

Date : 10-05-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s)

Mr. Dhruv Mehta, Sr. Adv.  
Mr. P.B.A. Srinivasan, Adv.  
Mr. Amit K. Nain, AOR  
Mr. Parth D. Tandon, Adv.  
Ms. Prerana Sabarwal, Adv.  
Ms. Nikitha R., Adv.  
Mr. Shyam R. Agarwal, Adv.

Mr. P. Chidambaram, Sr. Adv.  
Ms. Krutika Raghavan, Adv.  
Ms. Sameeksha Patil, Adv.  
Mr. T. V. S. Raghavendra Sreyas, AOR  
Mrs. Gayatri Gulati Sreyas, Adv.  
Mr. Siddharth Vasudev, Adv.  
Ms. Suzanne Maria Vaz, Adv.

For Respondent(s) Mr. Pradyuman Dubey, Adv.  
Mr. Anugrah Robin Frey, Adv.  
Mr. Tarun Dua, AOR  
Mr. Abhijeet Sinha, Adv.  
Mr. Sidhartha Sharma, Adv.  
Mr. Arjun Asthana, Adv.  
Mr. Saikat Sarkar, Adv.  
Mr. Arup Banerjee, AOR

Mr. K.V. Viswanathan, Sr. Adv.  
Mr. Rishav Banerjee, Adv.  
Mr. Saptarshi Mandal, Adv.  
Mr. Aravind Raj, Adv.  
Mr. Karun Mehta, AOR

Mr. Rana Mukherjee, Sr. Adv.  
Mr. Noelle Banerjee, Adv.  
Mr. Goutham Shivshankar, AOR

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

Application for permission to file civil appeal @ diary no.  
5881 of 2022 is allowed.

Appeals are allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file.)