

IN THE SUPREME COURT OF INDIA**CIVIL APPELLATE JURISDICTION****Civil Appeal No 4105 of 2023****Kendriya Bhandar****... Appellant****Versus****Suchi Paper Mills & Ors****... Respondents****ORDER**

- 1 By the impugned order of the National Company Law Appellate Tribunal (NCLAT) dated 26 April, 2023, the appeals against the order of the National Company Law Tribunal (NCLT) approving the resolution plan has been held to be maintainable at the behest of the first and second respondents. As a consequence of the impugned order, the appeals before the NCLAT are listed on 14 July 2023.
- 2 In this view of the matter, we are not entertaining the appeal against the order of the NCLAT at this stage.
- 3 However, we clarify that should it become necessary for the appellant to do so after the appeals are disposed of by the NCLAT, they would be entitled to challenge the appellate order on all counts including on the issue of maintainability which is kept open to be agitated at the appropriate stage.
- 4 It has been agreed by the counsel that the parties shall not apply for an

adjournment before the NCLAT and proceed with the hearing before the NCLAT

5 The appeal is accordingly disposed of.

6 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

New Delhi;
July 07, 2023
GKA

ITEM NO.23

COURT NO.1

SECTION XVII

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). 4105/2023

KENDRIYA BHANDAR

Appellant(s)

VERSUS

SUCHI PAPER MILLS & ORS.

Respondent(s)

(IA No.120806/2023-EX-PARTE AD-INTERIM RELIEF and IA
 No.120807/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-07-2023 This appeal was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. Raghav Sabharwal , AOR
 Mr. Balbir Singh, A.S.G.
 Mr. Raghav Sabharwal, Adv.
 Mr. Udai Khanna, Adv.

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
 Ms. Preeti Goel, Adv.
 Mr. Prashant Singh, Adv.
 Mr. Siddhartha Jain, Adv.
 Mr. Prateek Tomar, Adv.
 Ms. Priyanka Dhyani, Adv.
 Mr. Prashant Singh, AOR

Mr. Ashish Batra, AOR

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 applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)