

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)
Company Appeal (AT) (CH) (Ins) No. 500/2026
IA No. 1408/2026

In the matter of:

Bindawala Banijya Ltd

...Appellant

Vs

**Kurapati Singarayya Chowdary,
Chairman of Monitoring Committee / Erst RP of
Circar Jute Mills Pvt Ltd**

...Respondent

Present :

For Appellant : Mr. Ambati Sai Varun, Advocate

For Respondents : No Appearance

ORDER
(Hybrid Mode)

30.09.2026:

1) This appeal is preferred by the successful resolution applicant, who challenges a certain order passed by the Adjudicating Authority in IA(IBC)/291/2026 dated 28.07.2026, which the respondent herein has taken. The CIRP of the CD has successfully concluded, when the resolution plan of the appellant was approved by the Adjudicating Authority. The value of the plan is about ₹21.91 crores, which is required to be implemented through an upfront payment of cash component and issuing a debt component for ₹15,03,75,000/- payable over a period of 5 years. As to what constitute complete implementation is captured in Clause 10.5 (d). This is also repeated in Clause 12.2 as well. According to the appellant, it has paid the cash component required to be paid and has also issued the debt instrument. In terms of Clause 10.5 (d) and 12.2, when once the debt

instruments were issued, in terms of the above said provisions of the resolution plan, the implementation process is complete. However, the Adjudicating Authority has construed the scenario as if the debt obligation created by the debt instrument should have been discharged. Hence, when an application is taken out by the resolution professional for recording the implementation of the plan, the Adjudicating Authority takes time to record the same vide the impugned order.

2) Given the nature of the order under challenge and the nature of the order that we intend to pass, we consider that there is no need to issue any notice. We are satisfied with the reasons stated in paragraph nos. 4 – 6 of the affidavit, filed in support of the delay condonation application IA No. 1408/2026, 14 days delay condoned.

3) Turning to the merit, the impugned order nowhere discusses the import and impact of Clauses 10.5 (d) and 12.2 of the resolution plan, while arriving at the conclusion passed. Therefore, we deem it appropriate to set aside the said impugned order and remand the matter back to the Adjudicating Authority to consider the implications of Clauses 10.5 (d) and 12.2 of the resolution plan and pass such appropriate orders within a period of one month from the date of uploading of this order in our website.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

YS/NA/MS