

NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH
COURT NO. 1

ITEM No.2
IA/337(MP)2026 in IA/76(MP)2023
in
TP 184 of 2019 [CP(IB) 113 of 2017]

Proceedings under Section 60(5)(C) r.w. Rule 11

IN THE MATTER OF:

JM Financial Asset Reconstruction Co LtdApplicant
V/s
Devendra Jain Liquidator of Sandhya Prakash Ltd & OrsRespondent

Coram:

Hon'ble Shri Brajendra Mani Tripathi, Member (J)
Hon'ble Shri Man Mohan Gupta Member (T)

PRESENT:

For the Applicant : Mr. Mahadev Birla, Adv (Online)
For the Respondent : Mr. Nipun Singhvi, Adv (Online)

ORDER

Delivered on 09/06/2026

IA/337(MP)2026

1. The present Application has been filed by the Applicant under Section 60(5)(c) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of NCLT Rules, 2016 with the following prayers: -
 - (i) *Your Lordships may be pleased to substitute the name of JM Financial Asset Reconstruction Company replacing Respondent Liquidator Mr. Devendra P Jain in the captioned application i.e. IA 76 of 2023 in interest of justice.*
 - (ii) *Your Lordships may be pleased to direct the applicant in IA No. 76 of 2023 to amend the memo of parties by substituting and replacing Respondent i.e. Mr. Devendra P. Jain, Liquidator with JM Financial Asset Reconstruction Company Limited in the interest of justice.*
2. Ld. Counsel for the Applicant submits that the present Application has been filed seeking substitution of JM Financial Asset Reconstruction Company

Limited as the Respondent in place of the Liquidator, namely Mr. Devendra Padamchand Jain, pursuant to the resolution passed in the 15th SCC meeting held on 16.05.2025 and the Joint Lenders' Meeting dated 07.08.2025.

3. He further submits that, after the commencement of liquidation, the Liquidator made several attempts to sell the Corporate Debtor as a going concern. Pursuant to the e-auction sale notice dated 17.01.2025, the Corporate Debtor was ultimately sold as a going concern.
4. It is submitted that, consequent to the successful auction conducted on 14.02.2025, the Corporate Debtor stood sold as a going concern. Thereafter, the Liquidator convened the 15th SCC Meeting on 16.05.2025, wherein, under Agenda Item No. 2, it was deliberated and resolved that all pending litigations pertaining to the Corporate Debtor shall be pursued by the two secured creditors, namely JM Financial Asset Reconstruction Company Limited and Punjab National Bank. For the convenience of this Adjudicating Authority, the relevant extract of the resolution is reproduced below:

"Resolved that for pending litigations concerning Corporate Debtor shall be attended and handled by the two secured creditors viz. JM Financial Asset Reconstruction Company Limited & Punjab National Bank"

3. It is submitted that a Joint Lenders' Meeting was convened on 07.08.2025, wherein the two SCC members, namely JM Financial Asset Reconstruction Company Limited and Punjab National Bank, deliberated upon the pending litigations pertaining to the Corporate Debtor. During the said meeting, Punjab National Bank accorded its consent to JM Financial Asset Reconstruction Company Limited to pursue and prosecute the pending litigations concerning the Corporate Debtor. It was further resolved that the SCC members would contribute the requisite amounts towards the costs and expenses of such litigations.
6. He further submits that, pursuant to the resolutions passed in the 15th SCC Meeting dated 16.05.2025 and the Joint Lenders' Meeting dated 07.08.2025, it was unanimously resolved that the pending litigations concerning the Corporate Debtor shall be pursued by JM Financial Asset Reconstruction Company Limited. Accordingly, the Applicant seeks substitution of JM Financial Asset

Reconstruction Company Limited in place of the present Respondent, namely Mr. Devendra P. Jain, Liquidator, in IA No. 76 of 2023. The present application has therefore been preferred to give effect to the aforesaid resolutions and in the interest of justice.

5. We have heard the Ld. Counsel for the Applicant and perused the record. The Ld. Counsel for the Respondent/Liquidator submits that he has no objection to the present Application filed by the Applicant.
6. After hearing the submissions made by both parties and considering the facts and circumstances of the present case, we deem it fit and appropriate to allow the present Application and direct the Applicant to amend the main I.A., i.e., IA/76(MP)2023, within one week. After carrying out the necessary amendments, the amended copy shall be served upon the other side and shall also be uploaded on the DMS Portal and filed before this Tribunal.
7. In view of the aforesaid discussion, **IA/337(MP)2026** stands **allowed and disposed of**.

Sd/-

MAN MOHAN GUPTA
MEMBER (TECHNICAL)

Tomar

Sd/-

BRAJENDRA MANI TRIPATHI
MEMBER (JUDICIAL)