NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1284 & 1285 of 2026

IN THE MATTER OF:

Hynite Farms Private Limited
(formerly Bali Farms Private Limited) **...Appellant(s)**

Versus

Gyan Chandra Mishra & Anr. **...Respondent(s)**

Present:

For Appellant(s)	**:**	Mr. Abhijeet Sinha, Sr. Advocate with Mr. Rishi Singhal and Ms. Reema, Advocates.
For Respondent(s)	**:**	Mr. Sanjeev Deora, Advocate for R1. Mr. Mrinal Harshvardhan, Ms. Rituparna Patra and Mr. Abhinav Mishra, Advocates for R2.

O R D E R
(Hybrid Mode)

03.08.2026 **I.A. No. 4993 and I.A. No. 4994 of 2026:**

Heard Ld. Counsel for the Appellant as well as Ld. Counsel for the Respondent, perused the record.

2. Ld. Counsel for the Appellant submits that the Appellant, who is the Successful Resolution Applicant, has submitted a plan for the resolution of the Corporate Debtor i.e. M/s. Hynite Farms Pvt. Ltd., and the same was approved by the CoC with 84.83% of the voting share and accordingly a plan approval application was moved by the Resolution Professional of the CD before the Ld. Adjudicating Authority for the approval of the plan.

3. It is further submitted that the Adjudicating Authority while approving the plan unnecessarily intervened in some of the important provisions and clauses of the plan approved by the COC, which has rendered the plan extremely difficult for implementation.

4. It is further submitted that in IA No. 3035 of 2025 moved by the NOIDA it was specifically contended by Ld. counsel for the Noida that addendum to the plan is acceptable to the NOIDA in terms of the order dated 25.05.2026 passed by the Hon'ble Supreme Court in SLP No. 10159 of 2025 and even after noting that NOIDA is not having any objection to the addendum, the Ld. Adjudicating Authority placed a minimum cap of payment of Rs 212.11 Cr to the NOIDA, contrary to the decision taken by Noida, in pursuance of the order of the Hon'ble Supreme Court.

5. It is further submitted that, without any necessity, some paragraphs of the Judgment passed by the Hon'ble Allahabad High Court in a matter pertaining to the erstwhile promoter directors of the Corporate Debtor has been incorporated in the impugned Judgment while the part judgment passed by the Allahabad High Court has been set aside by the Hon'ble Supreme Court to the extent the comments passed by the NOIDA on the proposals given by the resolution applicants.

6. It is further submitted that despite specific decision taken by NOIDA that purchasable FAR shall be granted after examination as per NOIDA's extant policy, it is directed that no such relief would be granted to the Appellant i.e. SRA.

7. It is vehemently submitted that so much so in direct contrast to the scheme provided under the IBC, 2016 an observer has been appointed to oversee the implementation of the approved resolution plan, for prosecution of the PUFE applications, to ensure that the land which is not part of the assets of the CD is not encroached or included in the assets of the CD and the perpetrators referred to in para 69 of the judgment of Hon'ble Allahabad

High Court are brought to the books by pursuing pending proceedings against them before investigating agencies i.e., CBI/ED/SFIO and also for initiating fresh required proceedings against them , knowing well that the matter is seized by the Hon'ble Supreme Court so far as the investigation part of the judgment is concerned. Thus, the Ld., Adjudicating Authority should have waited for the decision of the Hon'ble Supreme Court.

8. It is vehemently submitted that the approach adopted by the Ld. Adjudicating Authority is foreign to the scope and scheme of the IBC and in this way the Monitoring Committee, which has been constituted to oversee the implementation of the plan, would become redundant and there would be conflicting of powers so far as the Ld. observer and Monitoring Committee is concerned.

9. It is further submitted that the whole insolvency process has been initiated and concluded for the resolution of the CD, however the appointment of the observer and lawyers of his choice would impose unnecessarily huge financial burden on the SRA. In this regard the emails exchanged between the SRA and Ld. Observer has been relied.

10. It is also submitted that the timeline has been provided in the resolution plan for its implementation and the SRA is not in a position to bear this unnecessary and un called for financial burden with regard to the fees which shall be paid to the Ld. Observer as well as to the Advocates which would be appointed by the Ld. Observer. Therefore, till the conclusion of the instant appeal the directions given by the Ld. Adjudicating Authority in the impugned order with regard to the aforesaid issues including appointment of Ld. Observer be stayed.

11. Ld. Counsel for the Respondents fairly submits that they are not having any objection, if any, interim direction, so far as the appointment of the observer is concerned, may be passed by this Appellate Tribunal.

12. It is further submitted by Respondent No. 1 /Resolution Professional that the Resolution plan submitted by the Appellant was approved by the COC by voting share of 84.83% and one financial creditor voted against the plan having 15.17% voting share.

13. It is further submitted that vide order dated 25.05.2026 passed by the Hon'ble Supreme Court in SLP No. 10159 of 2025, 19 resolution points communicated by the NOIDA were taken on record and it was stated that to the aforesaid extent, the impugned order of High Court stands set aside, while keeping the direction relating to the CBI inquiry open to be argued and heard separately and thereafter the addendum dated 29.05.2026 to the resolution plan was approved by the COC. It is also submitted that constitution of a monitoring committee was contemplated by the plan and the same has been constituted to oversee the implementation of the plan and plan also provides the Mechanism to pursuit of the PUFE applications and distribution of proceeds thereof.

14. Ld. Counsel for the Appellant further submits that there was no prayer in the plan approval application moved by the RP for the appointment of any observer.

15. Having heard Ld. Counsels for the parties and having perused the record it is reflected that the Appellant is aggrieved in this Appeal amongst other by intervention of the Ld. Adjudicating Authority with regard to various

clauses of the resolution plan which was approved by the COC by voting share of 84.83%.

16. We notice that the Appellant is also aggrieved by placing a minimum cap of payment of Rs. 211.11 crores tom NOIDA which was not in the plan approved by the COC, which according to Ld. Counsel for the Appellant was only indicative subject to the final computation by NOIDA.

17. We further notice that in terms of the order dated 25.05.2026 passed by the Hon'ble Supreme Court in SLP No. 10159 of 2025, 19 resolution points communicated by the NOIDA were taken on record and to that extent order of Hon'ble Allahabad High Court was set aside, however the directions relating to the CBI inquiry was kept open to be argued and heard separately and thereafter the addendum dated 29.05.2026 to the resolution plan was approved by the COC, which also appears to be acceptable to NOIDA.

18. We further notice that the grievance of the Appellant is also with regard to the appointment of Ld. Observer and the powers given to him by the Ld. Adjudicating Authority and also with regard to the proposal of remuneration, which would be paid to Ld. observer and Advocates which may be appointed by him.

19. We also notice that in the reply filed by Respondent No.1/RP it has been specifically stated that the appointment of the Ld. Observer and terms thereof did not emanate from the COC or from the Resolution Plan and no consent of the COC or of the RP or SRA was taken in this regard.

20. Thus, it is evident that the appointment of any observer was not contemplated in the Resolution Plan nor it was approved by the COC. Much emphasis has been given by Ld. Counsel for the Appellant with regard to the

powers vested in the Adjudicating Authority under section 30(2) and 31 of the Code and it is submitted that these powers are not meant to supersede the commercial wisdom of the COC.

21. We also notice that in the reply filed by Respondent No.1/RP it has been specifically stated that resolution plan provides effective Mechanism to pursuit of the PUFE applications and distribution of proceeds thereof.

22. We also notice that the order of the Hon'ble Allahabad High Court with regard to the investigation by the CBI is under consideration by the Hon'ble Supreme Court. We are also aware of the law that limited powers are available to the Ld. Adjudicating Authority while considering the issue of approval of resolution plan and commercial wisdom of the COC is to be respected unless there is any statutory non-compliance.

23. We also notice that the appointment of the Ld. Observer has been considered by the Ld. Adjudicating Authority in the background of the order passed by the Hon'ble Allahabad High Court and the said order has been set aside by the Hon'ble Supreme Court to the extent of 19 points which were communicated by the NOIDA (It has been claimed by the Respondent No.1/RP in his reply that the said order has been passed on the SLP filed by him). Thus, the order dated 25.05.2026 has clarified that the Hon'ble Supreme Court is seized of the matter so far as direction with regard to the investigation by the CBI is concerned and the order was set aside to the extent of 19 resolution points communicated by the NOIDA. Therefore, both aforesaid issues (Issue to the extent of 19 points which were communicated by the NOIDA and the issue with regard to the investigation by the CBI) were dealt

with by the Hon'ble Supreme Court separately, however the Adjudicating Authority has attempted to mix them with each other.

Insolvency and Bankruptcy Code is a complete code in itself and in normal course the provisions contained therein are sufficient for conducting smooth insolvency process and these provisions could only be bypassed when there is emergence of extra ordinary situation. As stated by the Respondent No.1/RP in his reply, the monitoring committee has been constituted under the provisions of the Code to supervise the implementation of the plan, the provisions have been made in the plan for prosecution of the PUFE applications and also for distribution of their proceeds, thus we prima facie find substance in the submissions of Ld. Counsel for Appellant that there was no compulsion before the Ld. Adjudicating Authority to have appointed an Observer.

24. So far as other submissions of the Ld. Counsel for the parties are concerned, the same in our considered opinion, could only be appreciated in presence of the NOIDA, which has not been arrayed as a party by the Appellant, in these Appeals.

25. Therefore, keeping in view all the facts and circumstances of the case and for the reasons mentioned herein before, the directions given by the Ld. Adjudicating Authority in Paragraph No. 27(vii) of the impugned order, with regard to the appointment and powers of the Ld. Observer shall remain stayed, till the next date of listing.

CA(AT)(Ins.) No. 1284 and 1285 of 2026:

We notice that in the relief clause of the Appeal as well in the stay applications, certain reliefs have been sought by the Appellant, wherein the

Noida Authority may be an interested. However, the NOIDA has not been arrayed as a party in these Appeals.

2. Thus, we implead NOIDA as a respondent in above appeals and direct the Appellant to file an Amended Memo of Parties arraying the NOIDA as Respondent No.3.

We give liberty to Appellant to serve the notice on it, by hand i.e. 'Dasti' and also to its Counsel and to also implead any other relevant party, presence of which is necessary for disposal of instant Appeal.

Steps along with requisites be taken within three working days from today.

3. List on **18.08.2026**, under the same caption.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

Abhishek/Rafi