

DIVISION BENCH

ITEM NO.102

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**IA (Plan) No.04/2026, IA No.45/2026, IA No.123/2026 & IA No.126/2026
IN CP (IB) No.45/ALD/2024**

CORAM:

- 1. SH. PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SH. ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 20th May, 2026

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	M/S APCO MOTORS V/S M/S PSR METALS PRIVATE LIMITED
UNDER SECTION	9 IBC (IN CIRP)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Anil Kumar with : *For the RP, Ms. Harmeet Kaur,*
Sh. Nikhil Kumar Verma, Advs. *present in person*
Sh. Srijan Mehrtora, Adv. : *For Applicant in IA No.45/2026*
Sh. Nishant, Proxy for : *For Applicant in IA No.123/2026*
Sh. Anuj Kr. Pandey, Adv.

ORDER

IA No.45/2026

- 1.** Ld. Counsel representing the Applicant submits that this application has been filed *interalia* seeking the following prayers :-
 - set-aside the impugned communication dated 2nd January, 2026 (Annexed as Annexure No. 13 to the present Interlocutory Application) as well as further direct the Respondent No. 1 to put the Resolution Plan of the Applicants for voting or for further negotiation before the Respondent No. 2;*
 - direct the Respondents No. 1 and 2 to declare the Applicants not ineligible under Section 29A of the Code, 2016 as well as permit the Applicants to file the Modified Resolution Plan before the Respondent No. 2;*
 - direct the Respondents No. 1 and 2 to ensure that the voting is not called for the approval of the prospective Resolution Plan (if any) till the Applicant Resolution Plan is also placed before the Respondent No. 2, and subsequently, ensure that the voting is called for the approval of the prospective Resolution Plan which shall include the Resolution Plan of the Applicant also;*

-Sd-

-Sd-

(D) pass such other and further order / orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case in the interest of Justice.

2. Ld. Counsel representing the RP along with RP in person have submitted that necessary compliances have been made as per the directions contained in our order dated 27.01.2026, in para nos.9 to 11, which are as under :-

9. *We deem it appropriate that the proposal of the present applicant be put up by the RP before the CoC by giving all inputs including the one about the CIBIL report of the applicant being declared as a wilful defaulter. The CoC would objectively consider and will take a call accordingly whether or not to go further with respect to the Resolution Plan of the present applicant in the light of the prevailing provisions of the code as well as the CIRP regulations, and if need be the applicant may also be invited to clarify any aspects.*

10. *We therefore also deem it appropriate not to indulge in so far as the present proceedings for consideration/voting of the two other Prospective Resolution Applicants.*

11. *We make it abundantly clear that anything said in the present order would not be construed even remotely anything said on the merits of the present application and CoC would be fully at liberty to examine the matter with an independent mind about the eligibility or otherwise of the applicant.*

3. Ld. Counsel representing the RP along with RP in person further states that in compliance of the aforesaid directions, the matter has been considered in the CoC meeting held on 30.01.2026 and the voting was concluded on 24.02.2026, whereby the Applicant has been held to be not eligible to participate in the process.

4. It is also further contended by them that in terms of an email communication dated 25.02.2026, the Applicant has also been intimated about the decision of the CoC.

5. Ld. Counsel representing the Applicant submits that he would be having instructions with respect to challenging the said email communication dated 25.02.2026 and would be filing an appropriate application, if so instructed by his client.

-Sd-

-Sd-

6. In view of the aforesaid background, it is contended by the Ld. Counsel representing the RP that the present application has become infructuous for having satisfied the prayers contained *therein*.
7. Accordingly, the present IA No.45/2026 stands disposed off as having become infructuous.

IA No.123/2026

1. Ld. Proxy Counsel, Sh. Nishant is present through VC and seeks an adjournment in the matter on the ground that the learned arguing counsel, Sh. Anuj Kumar Pandey representing the Applicant is not available today.
2. In view of the request so made, let the matter be adjourned for hearing on 3rd July, 2026, to be taken up higher on Board along with other application i.e. IA (Plan) No.04/2026.

IA No.126/2026

1. In this case, the notice has already been issued to the non-applicant/ respondents.
2. Let the pleadings if any be completed by the non-applicant/ respondents within a period of ten days by serving an advance copy to the other side and this application is also adjourned for 3rd July, 2026, to be taken up higher on Board.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

20th May, 2026

Kavya Prakash Srivastava
(Stenographer)