NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, COURT-I, CHANDIGARH

I.A.(I.B.C)/1174(CH)2025
in
CP (IB) No. 248/Chd/Chd/2019
(Admitted)

(Application under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016)

I.A(IBC) No. 1174 of 2025:
Tejinder Pal Setia
Address: Ground Floor, Guru Harkrishan Nagar,
Paschim Vihar, New Delhi-10087

...Applicant

Vs.

Mr. Mohit Chawla
Resolution Professional ("RP")
Chandigarh Overseas Private Limited
Address: SCO 26, Shri Balaji Complex, Old Ambala Road, Himmatgarh,
Dhakauli, Sub Tehsil Zirakpur, Sahibzada Ajit Singh Nagar,
Punjab ,140603
Reg. No. IBBI/IPA-001/IP-P00524/2017-2018/10949
Email- irpcpl@gmail.com **...Respondent**

IN THE MAIN MATTER OF CP (IB) No. 248/Chd/Chd/2019:

Kone Elevator India Private Limited

... Petitioner/Operational Creditor

Vs.

Chandigarh Overseas Private Limited

...Corporate Debtor

Order delivered on: 10.07.2026

Coram: MR. KHETRABASI BISWAL, HON'BLE MEMBER (JUDICIAL)
MR. SHISHIR AGARWAL, HON'BLE MEMBER (TECHNICAL)

Present:

For the Applicant:	Mr. Prakhar Mittal, Advocate
For the RP/Respondent:	Mr. Atul V Sood, Advocate Mr. Rohan Sood, Advocate

ORDER

The present Application has been filed by Mr. Tejinderpal Setia, a member of Suspended Board of the Corporate Debtor (hereinafter referred to as **the Applicant**) under section 60(5) of the Insolvency and Bankruptcy Code (hereinafter referred to as **the Code**) read with Rule 11 of National Company Law Tribunal Rules, 2016 seeking the following prayers:

(a) Direct the Resolution Professional to provide a copy of the Resolution Plan(s) to the Applicant;

(b) Permit the Applicant to raise objections to the Resolution Plan and IA (IBC)(Plan) No. 6/2024;

(c) During the pendency of the present Application, voting upon Resolution Plan(s) be stayed;

BRIEF FACTS

2. The averments made by the Applicant in the Application are summarised hereunder:

(a) The Applicant is a member of the Suspended Board of the Corporate Debtor and is seeking a copy of the Resolution Plan(s) submitted by Prospective Resolution Applicants in the corporate insolvency resolution process of the Corporate Debtor - M/s Chandigarh Overseas Pvt. Ltd.

(b) The Applicant has challenged various actions of the Resolution Professional in the Corporate Insolvency Resolution Process of M/s Chandigarh Overseas Pvt. Ltd., which are pending adjudication before this Tribunal. In the meanwhile a resolution plan of M/s Credo Assets Pvt. Ltd. & Anil Prakash Aggarwal (Joint Applicants) has been voted upon and the Resolution Professional has filed an Interlocutory Application bearing IA (IBC)(Plan) No. 6/2024 before this Tribunal seeking approval of the Resolution Plan.

(c) During the pendency of the above-stated, the IBBI took cognizance of the acts/ nuisance and modus operandi of the Respondent No. 1 in forming CoC with inflated claims in corporate insolvency resolution process of M/s Richa Industries Ltd. and passed an Order dated 11.06.2025 thereby, suspending the registration of the Respondent. The applicant herein, also has similar grievances against the Resolution Professional however, vide the present Application the Applicant is only seeking a copy of the Resolution Plan(s) be provided to the applicant, being a member of the suspended management, as it is proper and necessary party to the Plan approval application.

(d) Reliance is placed on the judgment of the Hon'ble Supreme Court in a case titled as **"Vijay Kumar Jain v. Standard Charted Bank & Ors., (2019) 20 SCC 455"** wherein, it was observed as follows-

> *"12. ..Further, under Regulation 37(1)(f), a resolution plan may provide for reduction in the amount payable to the creditors, which again vitally impacts the rights of a guarantor. Last but not the least, a resolution plan which has been approved or rejected by an order of the adjudicating authority, has to be sent to "participants" which would include members of the erstwhile Board of Directors vide Regulation 39(5) of the CIRP Regulations. Obviously, such copy can only be sent to participants because they are vitally interested in the outcome of*

such resolution plan, and may, as persons aggrieved, file an appeal from the adjudicating authority's order to the Appellate Tribunal under Section 61 of the Code. Quite apart from this, Section 60(5)(c) is also very wide, and a member of the erstwhile Board of Directors also has an independent right to approach the adjudicating authority, which must then hear such person before it is satisfied that such resolution plan can pass muster under Section 31 of the Code...

(e) The Resolution Professional in blatant regard to the law laid down by the Hon'ble Supreme Court has failed to provide a copy of the Resolution Plan to the members of the suspended Board of Directors. There is grave urgency in the matter in as much as the Application for approval of Resolution Plan is listed before this Tribunal on 21.07.2025, and the relief in the present Application ought to be granted prior to approval of the resolution plan otherwise, the present Application would be rendered infructuous. The captioned Application is bonafide and made in the interest of justice.

3. The Respondent/RP has filed the Short Written Submissions which are as follows:

(a) The Applicant is a member of the suspended board of directors of the Corporate Debtor ("CD") and is seeking a copy of the Resolution Plan ("Plan") through this IA. In the 13th CoC meeting held on 05.03.2024, the terms of Plans received by the RP were discussed by the CoC as agenda item 2. It is pertinent to mention that the Plan submitted by the Successful Resolution Applicant ("SRA"). A copy of the minutes of the 13th CoC meeting is annexed as **ANNEXURE A-22** in IA(Plan) No. 6/2024. Further, in the 15th CoC meeting held on 19.03.2024, the Plan of the SRA was approved by the CoC by 99.21% voting in favour of the Plan.

A copy of the minutes of the 15th CoC meeting is annexed as **ANNEXURE A-24** in IA(Plan) No. 6/2024.

(b) The Applicant Mr. Tejinder Setia attended both the 13th as well as the 15th CoC meetings where the Plan was discussed and approved. The Applicant's attendance is marked in the respective minutes of the meeting of both the meetings. The Applicant filed this Application on 19.07.2025 i.e. 14 months post the 15th CoC meeting where the Plan was approved. It is submitted that this Application has been filed to derail and delay the CIRP proceedings of the CD as the Applicant did not ask for a copy of the Plan for a period of 14 months despite being present at the meeting where the Plan was approved.

(c) The Applicant being a member of the suspended board of directors of the CD has filed various frivolous Applications in the present matter with an intention to disrupt and derail the resolution process. Many of these Applications have been dismissed by this Tribunal. This Tribunal is also aware about the conduct of the Applicant and has noted the same in Order dated 11.02.2025 in IA 700/2024. The relevant extract of the order is being reproduced below for ready reference:

"Tajinder Pal Setia has neither provided these title deeds nor put up the documents in support of the said transaction having borrowed amount of Rs.5 crore, and its disbursement, rather moved an application i.e. IA No. 253/2025 for withdrawal of the said affidavit that was taken on record vide Diary No. 00792/4 dated 28.01.2025 and this conduct of respondent Mr. Tajinder Pal Setia is causing unnecessary delay in the approval of resolution plan which is pending before this Bench vide IA No.6/2024 under Section 30 of the Code. Prima facie it seems that Mr. Tajinder Pal Setia is trying to side-track the issue by filing such frivolous application for withdrawal of the false affidavit, which cannot be allowed as the affidavit is given and deposed on oath, before a Court of Law."

(d) While dismissing the Company Appeal (AT) (Insolvency) No. 1348/25 preferred by the Applicant against the order dated 16.05.2025 of this Hon'ble Tribunal in I.A. 151/2025, the Hon'ble NCLAT also noted the mala fide conduct of the Applicant in its order dated 10.03.2026. The relevant extract of the order is being reproduced below for ready reference:

"11. … The present appeal therefore seems to be a clever ploy on the part of the suspended management to indirectly re-agitate the issue of admission and exclusion of claims by the RP at a stage when the resolution plan has already been approved by CoC with overwhelming majority. We are persuaded to believe that the suspended management is indulging in all possible machinations to somehow manage to derail the resolution process which is at an advanced stage. We are therefore of the considered view that the Adjudicating Authority had not committed any infirmity in not showing any indulgence to the Baker Tilly transaction audit report prompted by the suspended management of the Corporate Debtor."

(e) The present Application has been filed after a delay of 14 months, which itself demonstrates that the Applicant is once again attempting to derail and obstruct the resolution process, as has been consistently observed and recorded by this Tribunal as well as the Hon'ble NCLAT and deserves to be dismissed with heavy costs.

ANALYSIS AND FINDINGS

4. We have considered the rival submissions and perused the record and have also gone through the provisions of the Code and the rules and regulations made thereunder.

5. The following issue needs to be considered in the present Applicant that Whether the Applicant, a member of the suspended board of the Corporate Debtor, is entitled under Section 60(5) of the Code to seek:-

(i) supply of copy of the Resolution Plan,

(ii) to raise objections thereto, and

(iii) stay of voting/approval process at a belated stage after approval by the CoC, particularly when the Application is filed after an unexplained delay of approximately 14 months.

6. At the outset, it is established in ***Vijay Kumar Jain v. Standard Charted Bank & Ors., (2019) 20 SCC 455*** that members of the suspended board of directors are "participants" in the CIRP and are entitled to receive a copy of the Resolution Plan to the limited extent that such participation is necessary for effective representation of their interests. However, this right is neither absolute nor unqualified, and is circumscribed by the statutory scheme of the Code, the stage of proceedings, and the overarching objective of timely resolution under the Code.

7. In the present case, the facts clearly reveal that the Resolution Plan has already been placed before the Committee of Creditors (CoC) and the CoC has approved the Resolution Plan with an overwhelming majority of 99.21% in its 15th meeting held on 19.03.2024. The Applicant attended both the 13th and 15th CoC meetings wherein the Resolution Plan was discussed and approved and the attendance of the Applicant has been duly recorded in the minutes of 13th and 15th CoC meetings. Despite such participation and knowledge, no request for supply of the Resolution Plan was made for nearly 14 months, and the present Application has been filed only on 19.07.2025, at a highly belated stage when the Resolution Plan approval proceedings are already listed for final consideration.

8. This unexplained and inordinate delay is not a mere procedural irregularity but is indicative of a pattern of conduct already noticed by this Tribunal and the Hon'ble NCLAT in earlier proceedings. The Applicant has been repeatedly observed to be filing applications which have been characterised as dilatory and obstructive in nature, thereby attempting to derail the CIRP process at an advanced stage. Such conduct cannot be ignored while exercising jurisdiction under Section 60(5) of the Code.

9. Further, the relief sought by the Applicant includes a prayer to stay the voting/approval process of the Resolution Plan, which is not only rendered infructuous in view of the fact that the CoC has already approved the plan, but also runs contrary to the statutory framework where commercial wisdom of the CoC is accorded primacy and is not ordinarily subject to interference except on limited grounds under Section 30(2) of the Code.

10. The Insolvency and Bankruptcy Code is a time-bound mechanism and is premised on value maximisation through expeditious resolution. Entertaining such belated Applications at the stage of approval of the Resolution Plan would defeat the very object of the Code and prejudice the interests of stakeholders who have already exercised their commercial wisdom.

CONCLUSION:

11. In view of the foregoing discussion and findings, this Tribunal is of the considered opinion that the present Application is not maintainable as it is grossly delayed and reliefs prayed for at such a belated stage cannot be granted. Further, the applicant has displayed a pattern of conduct already noticed by this Tribunal and

the Hon'ble NCLAT in earlier proceedings as being dilatory and obstructive in nature and this Application is one more of such attempts. This cannot be countenanced in time bound IBC proceedings. Therefore this tribunal directs the Applicant to pay a cost of Rs 2,00,000/- (Rs Two lakhs only) to be deposited in the Prime Minister's National Relief Fund within two weeks from the date of this order and submit proof of payment to the Registry of this Tribunal.

13. In the result, **I.A. (I.B.C) No. 1174 of 2025** is hereby **dismissed** and **disposed of, with costs.**

Sd/-	**Sd/-**
SHISHIR AGARWAL **MEMBER (TECHNICAL)**	**KHETRABASI BISWAL** **MEMBER (JUDICIAL)**