

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No. 455/2024
(IA Nos. 1242 & 1243/2024)

In the matter of:

EMPLOYEES PROVIDENT FUND ORGANISATION,
Regional Provident Fund
Commissioner Regional Office, (Hubli),
Bhavishya Nidhi Bhawan, New block
10, Hubili-580025.

...APPELLANT

V

CA SHIRLEY MATHEW,
Resolution professional,
M/s.Soubhagya Laxmi Sugars
Ltd., #31, Wheeler Road Extension,
St.Thomas Town, Bengaluru- 5600084

...RESPONDENT

Present :

For Appellant : Mr. R. Vishnu, Advocate

JUDGMENT
(Hybrid Mode)

[Per: Justice Sharad Kumar Sharma, Member (Judicial)]

The instant company appeal has been preferred by Employees Provident Fund Commissioner, thereby questioning the order of 09.07.2024 as rendered in IA NO.4 of 2024 that, was preferred in C.P.(IB)No.36/BB/2022.

2. The effect of the impugned order had been that, the claim as raised by the Appellant, the Ld. Tribunal by finding the same having being raised on 11.12.2023, was determined to be a delayed claim having been preferred almost after six months after the approval the Resolution Plan by the CoC and it was

because of that reason the claim was declined to be considered, holding thereof that the rejection of the same by the Resolution Professional was justified in accordance with law.

3. Consequentially, the conclusion drawn was that the claim filed at a belated stage, and particularly that too, after the approval of the Resolution Plan by the CoC, cannot be considered. The said question was debated for a considerable long time, when this appeal was lastly taken upon 03.06.2026, we heard the Ld. Counsel for the parties and the arguments on the appeal were reserved.

4. Before the order could be transcribed or delivered the Ld. Counsel for the Appellant, himself has placed before this Appellate Tribunal, an order passed by the NCLT Bengaluru on IA No. 398/2023 that, was preferred in C.P.(IB)No.36/BB/2022, wherein in a proceedings drawn by the Resolution Professional in the matters of M/s. Soubhagya Laxmi Sugars Limited, the plan as submitted in IA No. 398/2023 dated 17.05.2024 as submitted by Mr. Syed Fahad jointly along with M/s. Radiant Equity Management Private Limited, was allowed.

5. Because of the order as rendered on IA No. 398/2023, which has been brought to the notice of this Appellate Tribunal by the Ld. Counsel for the Appellant, as of now, since the plan has already been approved, the controversy pertaining to the raising of the claim by the Appellant at a belated stage after approval of the Resolution Plan by the CoC and its subsequent approval by the

Ld. Adjudicating Authority by an order of 01.10.2024 as produced by the Ld. Counsel for the Appellant today. For all practical purposes, the issue raised by the Appellant for consideration of a belated claim which was submitted with an inordinate delay of 528 days doesn't find any justification for its consideration.

6. Hence, owing to the given set of circumstances, since the claim itself couldn't have been considered apart from being belated, having been submitted after the approval of the plan by the CoC at the belated stage, and more particularly since as of now, the plan has already been approved by the Ld. Adjudicating Authority vide its order of 01.10.2024. The Ld. Counsel for the Appellant submits that there is nothing much survives to be decided and considered in the instant company appeal, hence, owing to the subsequent development, the company appeal, for all practical purposes, has been rendered infructuous. Hence, the same is accordingly dismissed, having rendered infructuous

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

15/06/2026
SN/MS/AK