

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1820 of 2025

[Arising out of the Impugned Order dated 19.11.2025 passed by the Adjudicating Authority, National Company Law Tribunal, Principal Bench in I.A. No. 1746 of 2025 in C.P. (IB) No. 272/PB/2017]

IN THE MATTER OF:

JFC FINANCE (INDIA) LTD.

P-32, Lower Ground Floor,
South Extension-II,
New Delhi- 110049

...Appellant

Versus

1. ARVIND GARG

Liquidator
302-A, Pal Mohan Plaza,
Deshbandhu Gupta Road,
Karol Bagh, New Delhi- 110005
Email: arvindgarg31@gmail.com

...Respondent No. 1

2. PSB ALLIANCE PVT. LTD. (BAANKNET)

Through Its Authorised Officer
Unit No. 1, 3rd Floor, VIOS Commercial
Tower Near Wadala Truck Terminal, Wadala
East, Mumbai- 400037
Email: psba@psballiance.com

...Respondent No. 2

**3. CHEMESTER FOOD INDUSTRY PVT.
LTD.**

515, Fifth Floor, Hemkunt Chamber, 89
Nehru Place, New Delhi - 110019

...Respondent No. 3

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Gaurav Mitra, Ms. Varsha Banerjee, Ms. Udit Singh and Ms. Heena Kochar, Advocates.

For Respondents : Mr. Krishnendu Datta, Sr. Advocate with Mr. Mansumyer Singh, Ms. Niharika Sharma and Ms. Jaismeen Sharma, Advocates for R1.

Mr. Arun Kathpalia, Sr. Advocate with Mr. Shaunak Kashyap, Adv. Mayanka Dhawan and Mr. Vikram Kalra, Advocates for R3.

Mr. Abhinav Vasisht, Sr. Advocate with Ms. Karishma Maria, Advocates for Applicant/Impleader.

Mr. Arvind Garg, In person.

J U D G M E N T
(Hybrid Mode)

Per: Barun Mitra, Member (Technical)

The present appeal, preferred under Section 61 of the Insolvency and Bankruptcy Code, 2016 (**IBC** in short), arises from the order dated 19.11.2025 (hereinafter referred to as the **Impugned Order**) passed by the Adjudicating Authority (National Company Law Tribunal, Principal Bench) in I.A. No. 1746 of 2025 filed in C.P. (IB) No. 272/PB/2017. By the said Impugned Order, the Adjudicating Authority has dismissed I.A No. 1746 of 2025 filed by the Appellant - JFC Finance (India) Ltd. Aggrieved by the impugned order, the Appellant has preferred the present appeal.

2. Coming to the chronological sequence and events which are relevant to be noticed in the present matter, the same are as outlined below:

- The Liquidation proceedings of Moser Baer Solar Ltd. (**MBSL** in short)- Corporate Debtor was initiated on 30.05.2019.
- In the 1st Round of sale process which was undertaken, the Respondent No. 1-Liquidator issued a sale notice inviting bids for sale of Not Readily Realizable Assets (**NRRA** in short) assets of the Corporate Debtor on 09.12.2022.

- On 27.12.2022, the Appellant–JFC Finance (India) Ltd. (**JFC** in short) gave an offer of Rs. 8 Cr. alongwith EMD of Rs. 80 Lakhs for purchase of the NRRA assets of the Corporate Debtor.
- The bid offer of Rs. 8 Cr. was improved to Rs. 30 Cr. on 09.01.2023 alongwith EMD deposit of Rs. 3 Cr. for purchase the Corporate Debtor as a going concern. This offer was later downwardly revised to Rs. 26 Cr. on 11.01.2023.
- The Respondent No. 1-Liquidator filed I.A No. 581 of 2023 before the Adjudicating Authority seeking permission to conduct public auction for sale of the Corporate Debtor as a going concern on 20.01.2023.
- On 19.11.2024, the Adjudicating Authority allowed withdrawal of I.A No. 581 of 2023 and permitted the Liquidator to conduct fresh auction proceedings for the Corporate Debtor as a going concern.
- An email dated 31.12.2024 was sent by the Liquidator to the Appellant-JFC intimating that the sale of the Corporate Debtor would be carried out by way of an auction in accordance with Regulation 33(1) of Liquidation Process Regulation (**LPR** in short) with two alternative options for the Bidders. In view of the above, the Appellant sought refund of EMD of Rs. 3 Cr. on 06.01.2025.
- Before the 2nd Round of sale process could be initiated, the IBBI issued a circular on 29.10.2024 introducing ‘eBKray’ platform for conducting auction of assets under the IBC. This eBKray platform later came to be known as ‘BAANKNET’. On 10.01.2025, the IBBI issued a circular directing that all auctions were to be conducted exclusively on BAANKNET auction platform w.e.f 01.04.2025.

- On 06.03.2025, the Liquidator issued a public notice for sale/auction of the Corporate Debtor which notified that the last date for submission of documents was 29.03.2025. This notice also provided deadline for deposit of EMD as 31.03.2025. The auction date was kept as 02.04.2025 commencing at 1400 hours. On 06.03.2025 the Liquidator also issued a Process Information Document.
- On 27.03.2025, the Appellant participated in the 2nd Round for sale process and had submitted all relevant documents as well as EMD in terms of the Process Information Document.
- On 28.03.2025, the IBBI issued a circular mandating the use of BAANKNET for all liquidation auctions wherever the auction notice was issued on or after 01.04.2025. In terms of the IBBI circular of 28.03.2025, prospective bidders were required to submit the requisite documents including declaration of eligibility under Section 29A of the IBC through the electronic auction platform. The prospective bidders were also required to deposit the EMD through the BAANKNET auction platform which EMD was to be forfeited, if the bidder was found ineligible.
- On 29.03.2025, the Liquidator issued an addendum extending the date of auction to 04.04.2025 with deadline for EMD submission extended till 02.04.2025.
- On 01.04.2025, the Appellant sought physical inspection of the assets of the Corporate Debtor which was granted by the Liquidator though the last date for physical inspection was already over on 29.03.2025.

- On 03.04.2025, the Liquidator sent an email to all prospective bidders including the Appellant intimating that the auction process would be in terms of IBBI's circular of 28.03.2025 and asked the bidders to register on the BAANKNET platform. The prospective bidders were required to submit the requisite documents including declaration of eligibility under Section 29A of the IBC through the electronic auction platform. The prospective bidders were also required to deposit the EMD through the BAANKNET auction platform. The Liquidator also provided a User Guide for registration on the BAANKNET portal alongwith FAQs and informed the prospective bidders that the IBBI circular would prevail over terms and conditions specified in the Process Information Document and that the Process Information Document stood modified accordingly.
- The auction timelines were again extended on 04.04.2025 and auction date was now fixed on 08.04.2025 at 1600 hours.
- On 04.04.2025, the Appellant had successfully created Login ID & Password on the BAANKNET portal with the support of BAANKNET executive, namely, Kashyap Patel.
- On 07.04.2025 the Liquidator sent another email to all the prospective bidders including the Appellant requesting them to complete the registration process for participation in the auction and to deposit EMD of Rs. 2.5 Cr. in the e-wallet on the auction platform by 2359 hours. The Appellant had admittedly logged on to the BAANKNET auction platform on 07.04.2025 a few times.

- On 08.04.2025, the Appellant had again logged on to the auction platform. However, the Appellant claimed that as he did not receive any link for participation in the bidding which was to begin at 1600 hours, the Appellant rang up the BAANKNET executive to facilitate their participation. This telecon is corroborated by an email which had been sent by Respondent No. 2-BAANKNET to the Liquidator on 08.04.2025 at 1621 hours, in which email, the Respondent No. 2 admitted having received a phone call from the Appellant at 1517 hours on 08.04.2025 claiming that due to unavailability of prequalification submission link, they were unable to participate.
- On 08.04.2025 at 1801 hours, the Appellant sent an email both to BAANKNET and Liquidator intimating that they did not receive any link to participate in pre-qualification which prevented them from participating further in the auction process. The Appellant requested the Liquidator to postpone/cancel the auction or to permit them to enter into interse-bidding with the highest bidder.
- The auction had closed at 1800 hours in which Respondent No. 3 had emerged as the highest bidder with bid amount of Rs. 28.27 Cr. Since the NCLT was not sitting till 14.04.2025, the Appellant filed W.P (C) No. 4634 of 2025 before the Delhi High Court challenging the e-auction process and seeking directions that the Liquidator may not take further steps pursuant to e-auction.
- On 09.04.2025, the High Court directed the Liquidator not to take further steps pursuant to the e-auction till 21.04.2025.

- The 23rd meeting of the Consultative Committee of Stakeholders ('**SCC**' in short) was held on 15.04.2025 which resolved by 100% voting to declare the Respondent No. 3 as the highest bidder.
- On 16.04.2025, the Appellant filed I.A No. 1746 of 2025 before the Adjudicating Authority following which the Adjudicating Authority on 21.04.2025 directed the Liquidator to maintain status quo in terms of the order dated 09.04.2025 of the Delhi High Court. The main prayers in IA 1746 of 2025 was for quashing of the e-auction proceedings of 08.04.2025; conduct of fresh auction proceedings permitting the Appellant to participate therein or permit them to have inter-se bidding with the highest bidder.
- On 11.09.2025, the Appellant filed an affidavit before the Adjudicating Authority offering Rs. 35 Cr. for acquiring the Corporate Debtor as a going concern.
- On 30.10.2025, another I.A was filed by the Appellant seeking directions to be issued by the Adjudicating Authority to the Liquidator to disclose on affidavit whether the offer of Rs. 35 Cr. made by them was placed by the Liquidator before the SCC.
- The Adjudicating Authority on 31.01.2025 reserved the judgment on the I.A. 1746 of 2025 of the Appellant. The second application of the Appellant was not considered by the Adjudicating Authority while reserving the main application for orders.
- The Adjudicating Authority passed the impugned order on 19.11.2025 rejecting the prayers of the Appellant contained therein besides imposing a fine of Rs. 1.5 lakhs for indulging in erroneous litigation.

- Assailing the impugned order, the present Appeal has been preferred by the Appellant before this Tribunal.

3. Making submissions on behalf of the Appellant, Shri Abhijeet Sinha, Ld. Sr. Counsel alongwith Shri Gaurav Mitra, Ld. Counsel submitted that the auction process which was carried out by the Liquidator in respect of the Corporate Debtor suffered from serious material and procedural irregularities. It was contended that the auction process had already commenced pursuant to Sale Notice dated 06.03.2025 which e-auction was to be conducted in terms of the Process Information Document on the eBKray platform, the Liquidator enforced a sudden changeover in the auction platform from eBKray to BAANKNET platform. Though this decision of the Liquidator was not strictly in consonance with the IBBI circular of 28.03.2025 which had stipulated the use of BAANKNET platform only for auction notices published on or after 01.04.2025, the Appellant took all steps necessary to participate in the auction process on the BAANKNET platform. However, despite having uploaded all necessary documents on the 'Document Library' as well as depositing of the requisite EMD amount on the e-wallet, they were prevented from participating in the bid process due to technical glitch in the e-auction portal for not providing them with the pre-qualification link on the BAANKNET portal. In spite of their bonafide intent and seriousness to participate in the e-auction process, the Adjudicating Authority summarily excluded them from participating by wrongly concluding that they were not a genuine or serious participant in the auction process.

4. Asserting that they were a serious participant and had their skin in the game, the Appellant submitted that their intent is substantiated by the fact that not only did they comply to all instructions of the Liquidator on the e-auction modalities but had also logged on to the e-auction platform several times much before the auction date. Further as instructed by the Liquidator in their email of 03.04.2025 and 07.04.2025 and the accompanying User Guide, they had registered themselves on the e-auction portal; uploaded relevant documents in the Document Library and deposited EMD in the e-wallet. It was emphatically asserted that there was no mention by the Liquidator with regard to any separate pre-qualification process either in their email dated 03.04.2025 or 07.04.2025 nor any separate communication in this regard was sent by the Liquidator. It was further contended that though all the steps in State I captioned “First Time Registration” of the User Guide had already been complied with, they did not receive the pre-qualification link referred to in Step ‘5’ under the Stage II of the User Guide captioned ‘Participating in Auction’ due to a technical glitch in the e-auction portal. Thus though it was technical error in the BAANKNET platform which prevented them from taking part in the bid process, Adjudicating Authority has wrongly held that they could not participate due to their own lapses. It was vehemently contended that when the e-auction service provider have themselves not controverted the fact that there was no technical glitch, the Adjudicating Authority could not have arrived at the adverse inference that since the other bidders could participate without any difficulty and the Appellant not having produced proof of non-receipt of pre-qualification link, the plea of technical glitch was an afterthought. It was also added that the BAANKNET platform

was a newly introduced platform which was not time-tested and therefore, merely because some other bidders had successfully participated, this could not have negated the occurrence of a technical glitch. It was further emphatically asserted that when the Liquidator was aware that the Appellant had made multiple login attempts on the date of auction and on being unable to take part in the e-auction they had taken up the issue with the BAANKNET executive to be provided with the pre-qualification link before the bid process was to commence, this clearly shows seriousness on the part of the Appellant. However, the Adjudicating Authority instead of appreciating the technical difficulties and process infirmity faced by them in participating on the platform, disregarded their plea on the frivolous ground that they could not produce proof of non-receipt of pre-qualification link.

5. It was also vehemently contended that the Liquidator in the present case by not facilitating the Appellant to tide over the technical glitch to let them effectively participate in the e-auction, thus, did not act in a manner which could ensure fair participation of interested participants in the e-auction process. Instead of facilitating their participation, the Liquidator ignored his responsibilities by taking the plea that the e-auction platform was a 'do it yourself' automated platform with no role for the Liquidator. When the Liquidator was particularly aware of the Appellant's consistent efforts at participation right from the first round of sale process, the Liquidator had no cogent reasons to distance himself from enabling the Appellant to successfully onboard the BAANKNET platform and effectively participate in the bid process. The Liquidator had evaded their cardinal obligation to meet the twin

objectives to ensure maximum participation and value maximization in the interest of all the stakeholders in terms of Section 35(1)(d) of the IBC. It was further pointed out that though the Appellant had submitted an enhanced offer of Rs. 35 Cr. which was 25% higher than the highest offer, the Liquidator never placed the offer before the SCC which shows that the Liquidator was working with the malafide intent of excluding a bonafide and financially capable participant from offering a substantially higher bid value thereby frustrating the spirit and object of the IBC. The Appellant further demonstrated both their serious earnestness and bonafide as also their financial capability by depositing an amount of Rs. 54 Cr. with the Liquidator on 02.02.2026 on the directions of the High Court of Delhi which amount is twice the value of bid sought to be approved in favour of the Successful Auction Purchaser-Respondent No. 3.

6. In support of their contention, that they cannot be excluded from the auction proceedings and that re-auction must be allowed, the Appellant has relied on the judgments of the High Court of Rajasthan in the matter of **JSW Cement Ltd. Vs. State of Rajasthan, (2018) SCC OnLine Raj 1314** and in **SMO Ferro Alloys Pvt. Ltd. Vs. State of Rajasthan, (2023) SCC OnLine Raj 5557**. It was pointed that in the **JSW Cement judgment supra** it had been clearly held that when the court does not have the technical wherewithal to determine whether there was any technical problem in the e-auction platform and the bidder is able to establish its bonafide to participate, re-auction ought to be permitted. In the **SMO Ferro Alloys judgment supra** it was contended that re-auction was permitted on the ground of the technical

difficulties being faced by a bonafide bidder. Reliance was also placed on the judgment of the Hon'ble Supreme Court in **Valji Khimji & Company Vs. Official Liquidator (2008) 9 SCC 299** wherein it was held that though the auctions are not to be ordinarily interfered with but if after finalization of auction, a substantially higher offer is received, it is always possible for the Court to draw an inference that there has been some ulterior motive for accepting the auction at an inadequate price. In the present case, the Liquidator has adopted a hyper-technical approach to exclude a serious bidder by ignoring a substantially higher offer thereby causing financial prejudice to the public sector banks and financial institutions who would have realized a better sum if fair competitive bidding was facilitated by the Liquidator. The Appellant therefore assailed the impugned order dated 19.11.2025 and prayed that the auction process be set aside and a fresh auction process or interse bidding be permitted.

7. Refuting the arguments canvassed by the Appellant, Shri Krishnendu Datta, Ld. Sr. Counsel for the Respondent No. 1-Liquidator contended that the Liquidator had conducted the entire auction process in a fair and transparent manner on the basis of IBBI circular of 28.03.2025. Hence, the Process Information Document which had been earlier issued following the issue of auction notice of 06.03.2025 stood superseded accordingly. This was communicated in clear terms to all the prospective bidders including the Appellant vide an email dated 03.04.2025 which expressly stated that the Process Information Document stood modified and that in terms of IBBI Circular of 28.03.2025, all bidders were mandated to upload the eligibility

documents and deposit the EMD on the BAANKNET portal. The Adjudicating Authority has therefore rightly held that when the Appellant had not objected to the auction being held on the BAANKNET portal prior to the holding of the auction remained bound by the terms and conditions and requirements of the BAANKNET portal.

8. Since the BAANKNET portal was a ‘do it yourself’ portal, it was also incumbent upon the Appellant to transfer the uploaded documents from the Document Library and the money from the e-wallet to the e-auction platform. It was added that the User Guide which had also been circulated to all the bidders made it amply clear that these steps were necessarily required to be completed for participating in the auction. It was the Appellant who was required to upload the documents and deposit the EMD on their own with no role for the Liquidator in this process. It was further added that for participating in the auction, the uploaded documents and EMD had to be transferred on to the specific auction for the Corporate Debtor by 1500 hours of 07.04.2025 which was not done by the Appellant. It was also added that the pre-qualification could not have been allowed by the Liquidator after crossing the time-deadline since it was an automated process with no scope of manual intervention. Thus, the Liquidator was helpless in such a situation in helping any party to participate in the auction once the deadline of pre-qualification was not met. Thus, the inability to participate in auction was on account of the Appellant’s own fault which he is now trying to shift the blame on to others. The alibi of non-availability of pre-qualification link because of a technical glitch which has been taken by the Appellant to explain his

inability to participate in the e-auction held on 08.04.2025 was bereft of any proof to substantiate this allegation. The Adjudicating Authority had therefore rightly held that this plea was nothing but an afterthought to get a shot at participating in the e-auction after not participating in the first instance.

9. It was also added that the Liquidator had always made his best endeavors to provide all possible support to the bidders to facilitate their participation and wherever the Liquidator had any discretion to overcome the time deadline the same was readily allowed by him. Thus, when the Appellant had not met the timeline fixed for physical inspection of the assets, the Liquidator still permitted the Appellant to do so even after the deadline.

10. As regards the enhanced offer which has been claimed to have been made by the Appellant, it was pointed out that no such proposal had been made to the Liquidator directly. The proposal of the Appellant making an offer of Rs. 35 Cr. was made directly to the Adjudicating Authority during the hearing on I.A No. 1746 of 2025. It was also asserted that it does not lie in the ambit of the Liquidator to cancel an otherwise validly held auction merely on an expectation that a higher price can be obtained and in support of their contention relied on the judgment of the Hon'ble Supreme Court in ***Eva Agro Feeds Pvt. Ltd. Vs. Punjab National Bank (2023) 10 SCC 189*** wherein it was held that the Liquidator did not enjoy any discretion to cancel an auction, which is otherwise valid, on a communication from a third party unless it is substantiated that the auction process had been vitiated by fraud or collusion.

11. We have also heard Shri Arun Kathpalia, Ld. Sr. Counsel appearing on behalf of Respondent No. 3-Successful Auction Purchaser. It was asserted that the Appellant cannot unsettle a validly concluded auction process having not participated in the auction process. The Appellant having not successfully completed the pre-qualification stage which was mandatorily required to be accomplished, the Appellant's prayer to set aside the auction process is untenable. It was submitted that it was well-known to all the bidders that the liquidation auction was being conducted on the BAANKNET platform which was a faceless and self-servicing 'do it yourself' platform. When the Appellant had already registered itself on the portal and had created a profile for itself, all subsequent steps were to be thereafter also completed by the Appellant only and by none else. The BAANKNET portal was having an automated architecture with no scope for any human or manual intervention including that by the Liquidator.

12. The Liquidator had also acted fairly by clearly spelling out the rules of the game in their email dated 03.04.2025 and 07.04.2025 whereby the Liquidator had inter alia also circulated the User Guide, FAQs and Helpline Mobile No. and email. All other bidders had completed the process including the Stage-II Step 5 of pre-qualification link and successfully participated without facing any difficulties which clearly shows that the platform was properly functional. The Appellant on the other hand raised the plea of technical glitch one hour before the auction was to be held on 08.04.2025 while the time the time deadline for pre-qualification link already stood expired on 07.04.2025. It was emphasized that this was not a case of technical

glitch since the Appellant by their own admission had accepted the fact that they had never clicked on the right button to complete the Stage II of Step 5 of pre-qualification. Moreover, when the Appellant has failed to produce any screenshot or error log or help desk ticket or any supporting email or proof to show helpline use, there was no contemporaneous evidence to validate their trumped-up excuse of technical glitch. When the Appellant indubitably had login access and had also registered itself but did not progress on to the next self-service step of clicking on the right button for pre-qualification link, the Appellant cannot transfer its own procedural lapse either on the Liquidator or on technical error. The Liquidator had no power to manually qualify a bidder who had not completed the prescribed steps and hence the Appellant has no right to seek participation in the bid after the hammer has already fallen in the bid process.

13. It was emphatically contended by Respondent No. 3 that once an auction is validly concluded and in the present case when this auction was also approved by the SCC and a Sale Certificate had been issued to the Successful Auction Purchaser, the Adjudicating Authority had rightly rejected the subsequent offer of the Appellant who after not participating in the auction process was now trying to game the auction. When a bidder has not followed the prescribed process and has not participated in the auction process, the same non-participant cannot assert its right to have another run in the concluded auction process through the instrumentality of the court. It was pointed out that it has been held by the Hon'ble Supreme Court in **Valji Khimji judgement supra** and in **Celir LLP Vs. Samati Pd. Bafna (2024)**

SCC OnLine SC 3727 where it has been clearly held that a concluded public auction cannot be disturbed unless it is proven that there was a fraud or grave procedural error, which facts have not been pleaded by the Appellant in the present case. Furthermore, when the Appellant did not use the available grievance channels on time, the Appellant cannot be allowed to cry hoarse at a later stage and seek another chance to participate in the auction. Permitting any such plea would destabilize the liquidation regime and lead to unavoidable delays which can never be the aim and objective of a liquidation undertaken within the statutory framework of the IBC.

14. It was also pointed out that the Appellant is habitually addicted to raising similar grounds of technical glitches accompanied with a higher post-auction offer to agitate the holding of re-auction. In another appeal filed by the Appellant before this Tribunal in **JFC Finance (India) Ltd. Vs. Anil Kohli in CA (AT) (Ins) No. 239 of 2023**, the same pattern was adopted by this Appellant wherein this Tribunal spurned their prayer for re-auction. This Tribunal had held that it was not open to anyone to come after the auction and say that they are ready to give a higher offer, for no one can be allowed to offer higher amount after completion of e-auction. The order of this Tribunal being directly on the same point involving the same Appellant clutching on to the same modus operandi, therefore, deserves to be seen with a needle of suspicion.

15. Conceding that any auction undertaken as a part of the liquidation process is a price discovery mechanism, however, it was contended that this price maximization process must be achieved within the auction process.

When the Appellant in the present case having failed to show due diligence to participate in the process cannot now take the plea of making a higher offer to justify the conduct of a fresh auction. Entertaining any such plea would create a climate wherein concluded auction can be disturbed by a third-party non-participant which would in turn open the gateway to a continuous spate of litigation. In the absence of the grounds of fraud, collusion, inadequate pricing/under-bidding or fundamental procedural error causing prejudice to the stakeholders which grounds not having been pleaded by the Appellant in the present case and much less proved, there is no cogent ground for revisiting the auction process. In this background, it has been contended by the Respondent No. 3 that the imposition of cost of Rs. 1,50,000/- on the Appellant for pushing erroneous litigation leading to waste of judicial time is well reasoned decision as it runs counter to the time of the liquidation regime under the IBC.

16. It was also contended that a higher subsequent offer is also no ground to reopen a concluded auction as has been held by the Hon'ble Supreme Court in ***Eva Agro Feeds judgment Supra*** besides ***Vedika Procon Pvt. Ltd. Vs Balleshwar Green Pvt. Ltd. (2015) 10 SCC 94*** and ***Golden Food Products India Vs. State of UP, 2026 SCC OnLine SC 24***. Furthermore, when in the present the entire sale consideration stood paid in full on 20.11.2025 and the Sale Certificate had been issued on the same date, the rights of Respondent No. 3 stood crystallized which deserves to be shielded and protected.

17. We also find that an Intervention Application No. 2722 of 2026 has been filed by the Intervenor-Financial Creditor, namely, Alchemist Asset

Reconstruction Company Ltd. Shri Abhinav Vashist, Ld. Sr. Counsel appearing on behalf of the Intervenor supported the contention of the Appellant that the Liquidator was required to take all reasonable steps towards securing maximum value for the assets of the Corporate Debtor which in the present facts of the case the Liquidator had failed to do thereby defeating the objective of value maximization which lies at the heart of the liquidation framework under the IBC. It was asserted that since the Intervenor had acquired the financial debt from the Indian Overseas Bank by virtue of an assignment deed, it has a direct and substantial interest in the manner in which the assets of the Corporate Debtor are realized. In the present case, when the Appellant has already tendered a demand draft of Rs. 54 Cr. which has already been realized by Liquidator in his account which is twice the value at which the present assets have been sold to the highest bidder, it clearly demonstrates that the assets were capable of fetching a substantially higher value. Thus, when the asset is already fetching twice the price at which it is proposed to be sold, the Liquidator cannot insist on completing the transaction on hyper-technical grounds that the Appellant was a non-serious bidder. In support of their contention, reliance has been placed on the judgment of Hon'ble Supreme Court in ***Om Sakthi Sekar vs V. Sukumar and Ors. 2026 SCC OnLine SC 368*** wherein it has been clearly held that the underlying purpose of liquidation under IBC is to maximize the value of the assets of the Corporate Debtor so as to ensure the most remunerative price through competitive bidding. It was asserted that when a substantially higher and already realized offer is available from a bidder who has been excluded from the process in a mechanical manner, such hyper-technical procedural

grounds must yield to the larger statutory objective of value maximization so that stakeholders recoveries do not suffer substantial prejudice. It was therefore contended that the Intervenor was supportive of the contention of the Appellant that a re-auction be done through a fair, transparent and competitive process so as to realize the maximum possible value from the assets of the Corporate Debtor for the benefit of all stakeholders.

18. We have heard the Ld. Counsels for all the parties including the intervenor and perused the material placed on records carefully.

19. Having heard the rival contentions made by all the parties, we now proceed to notice the pith and substance of the impugned order rejecting I.A No. 1746 of 2025 wherein the Appellant had prayed for quashing of the e-auction proceedings conducted on 08.04.2025 and had sought for directions to the Liquidator to conduct fresh auction proceedings after declaring the Appellant to be qualified to participate in the said proceedings.

20. On perusing the impugned order, we find that the Adjudicating Authority has held that the Appellant had failed to pay EMD and not uploaded the requisite documents and hence the non-availability of the pre-qualification link was purely occasioned by the Appellant's own faults which could not be attributed to any technical glitch in the e-auction portal or to any lapse on the part of the Liquidator. The Adjudicating Authority has also concluded that the Appellant did not have the inclination to participate in the e-auction process and having abandoned the process have now sought to unsettle the validly concluded auction by making a better offer outside the

auction process which plea was not found acceptable to them as it would make the liquidation an unending litigative process defeating the objective of timely liquidation in the IBC.

21. The broad questions which we have framed for our consideration are as follows:

(a) whether the Adjudicating Authority was correct in concluding that the Appellant had abandoned the e-auction process and had failed to successfully demonstrate their inclination to participate in the auction process as a bonafide and a serious bidder;

(b) whether the difficulty faced by the Appellant in the opening of the pre-qualification link of the auction portal purportedly occasioned by a technical glitch was a specious plea raised by the Appellant as an afterthought to secure another round of auction process; and

(c) whether in the light of the earlier enhanced offer of Rs. 35 Cr made by the Appellant before the Adjudicating Authority, albeit after conclusion of the auction process, followed up by a subsequent deposit of Rs. 54 Cr. with the Liquidator as bid value on the directions of the Delhi High Court provides adequate foundational basis for conduct of a fresh auction process in the interest of value maximization for stakeholders.

22. We would like to deal with the first two questions framed by us conjointly since the issues raised therein are inextricably linked.

23. It is the case of the Appellant that they have been actively participating in the sale process of the Corporate Debtor right since the commencement of the liquidation proceedings. Even at the stage of first round of sale process which preceded the sale by auction, the Appellant had submitted a revised bid of Rs. 26 Cr. Even during the second round of sale process by auction for which the Liquidator had published a notice on 06.03.2025, the Appellant again participated in the process and had submitted all the eligibility documents and EMD amount on 27.03.2025 which was well before the last date scheduled for this purpose in terms of the Process Information Document formulated by the Liquidator.

24. Even thereafter, when the Liquidator further extended the timeline for participation in the auction process and intimated all the prospective bidders including the Appellant that the auction process would now be guided by the IBBI Circular dated 28.03.2025, they had acquiesced and registered on the BANNKNET platform in terms of the IBBI Circular. Buttressing their arguments further that the Appellant was taking all steps as directed by the Liquidator for participating in the e-auction process, it was pointed out that the Appellant had willfully complied with the stipulations outlined in the email of the Liquidator dated 03.04.2025 and 07.04.2025 regarding deposit of EMD and uploading all documents on the same platform. The Appellant thereafter once again redeposited the EMD on the e-wallet of the BAANKNET platform and uploaded the requisite documents in the Document Library on the BAANKNET platform. It was however asserted that the email dated 03.04.2025 and 07.04.2025 had only modified the Process Information

Document by providing for submission of EMD through the auction platform. It is vociferously contended by the Appellant that neither the emails of 03.04.2025 or 07.04.2025 had pointed out to the completion of pre-qualification requirements on the e-auction portal.

25. It was submitted that 'submission of pre-qualification' hyper-link was never visible to the Appellant and in the absence of this hyper-link, the Appellant could not have taken any further steps towards completing the pre-qualification requirements. Hence, until the e-auction bidding process was to start on 08.04.2025 at 1600 hours, the Appellant had not received any link for participation in the said bidding. The Appellant had therefore contacted the Respondent No. 2- BAANKNET Authorities at 1515 hours regarding their inability to participate. It is therefore the case of the Appellant that non-availability of pre-qualification link was a case of technical glitch in the e-auction platform. However, this plea of theirs has been summarily disregarded by the Adjudicating Authority on the flimsy ground that the Appellant has not been able to produce any proof of non-receipt of pre-qualification link. When the BAANKNET platform authorities have not controverted the fact that there was no technical glitch, the Adjudicating Authority on their own could not have assumed that there was no technical fault in the platform and that the pleading of technical glitch made by the Appellant was only a specious plea contrived as an afterthought to justify the cancellation of the e-auction by the Appellant.

26. Per contra, it is the contention of the Respondent No. 1-Liquidator and Respondent No. 3-Successful Auction Purchaser that the non-completion of

the pre-qualification documents was clearly not a technical lapse but had happened because of failure on the part of the Appellant to click the right button for submission of pre-qualification documents which was necessary to enter into the Stage II process of e-auction. It was stressed upon by both the Respondents that the BAANKNET platform was a “do-it-yourself” platform which was faceless and fully automated. Much emphasis was laid on the fact that all the bidders had been adequately informed by the Liquidator through his email on 03.04.2025 and 07.04.2025 about the manner in which the bidders were required to complete the multifarious steps on the BAANKNET portal besides having also circulated the User Guide, FAQs including Helpline No. and Email Id for providing assistance to the bidders in case they faced any difficulty. Further, it was pointed out that the User Guide clearly indicated that there were three stages in the process for registering and participating in the auction. The Appellant had completed the first stage of ‘First Time Registration’ which included addition of money to the e-wallet and addition of documents to the Document Library, however, the failure happened at the second stage of ‘Participating in Auction’. In this stage, the Appellant was required to login to the platform and after completing the Step ‘4’ therein by clicking on the ‘Search for preferred auction’ it had to move on to Step ‘5’ of clicking on the button for ‘submission of pre-qualification’. It is contended that since the Appellant did not click on the ‘submission of pre-qualification’ of their own volition, they had consequentially failed to perform the mandatory completion of pre-qualification link. Thus, it was a failure on the part of the Appellant to complete the steps required for participating in the auction. It was also contended that the Adjudicating Authority had rightly

noticed that though the helpline details had been provided in the User Guide, Appellant did not bring the matter to the knowledge of the BAANKET helpline of the technical problem/difficulty being confronted by them by 1500 hrs on 07.04.2025 by which time the pre-qualification requirements were required to be completed. Moreover, no contemporaneous proof of the glitch has been provided by the Appellant whether in terms of a screenshot or error log or trouble ticket or any supporting email or helpline uses has been placed on record. The Liquidator had no power to manually qualify a bidder who had himself not completed the prescribed steps. The Adjudicating Authority was therefore right in observing that the Appellant was to be blamed for having failed to complete the process of Stage I and Stage II so as to participate in the auction Stage III while all other participants had gone through this process smoothly. Moreover, the Adjudicating Authority had rightly questioned the bonafide of the Appellant for not having complained or invoked the benefit of the helpline on time and in holding that this was a specious excuse which was an after-thought to cover their non-seriousness in participating in the auction process.

27. At this stage, it would be useful and constructive to look into emails dated 03.04.2025 and 07.04.2025 from the Liquidator and the User Guide as circulated so as to find out whether the instructions contained therein had been complied to by the Appellant which are as extracted hereunder:

“From: Arvind Garg moserbaer.arvind@gmail.com
Sent: **Thursday, 3 April, 2025 4:04 PM**
To: Contact; invest.abc24@gmail.com

Subject: Re: Moser Baer Solar Limited-Extension of Auction Date/ Return of EMD/ Re-deposit in e-wallet

Attachments: Annexure I-IBBI Circular dated March 28, 2025.pdf; Annexure III-FAQ on Mandatory Use of Baanknet.pdf; Annexure II-Bidders Registration Guide.pdf

Dear Sir/ Madam

Your kind attention is drawn towards Circular No. IBBI/LIQ/84/2025 (Circular) issued by the Insolvency and Bankruptcy Board of India (IBBI) on March 28, 2025.

To abide with the directions issued by IBBI vide circular issued on March 28, 2025:

- i. Prospective Bidders shall submit the requisite documents, including a declaration of eligibility under Section 29A of the Insolvency and Bankruptcy Code through the electronic auction platform.
 - ii. Prospective Bidders shall deposit the Earnest Money Deposit (EMD) through the Baanknet auction platform.
 - iii. If the bidder is found ineligible, EMD shall be forfeited.
- For facilitating compliance with the Circular, process timelines are being amended as follows:

Last date for submission of Earnest Money Deposit (EMD) through the Baanknet auction platform;	April 07, 2025 23:59 hours
Auction start Date and Time;	April 08, 2025 at 16:00 hours

A copy of the Circular No. IBBI/LIQ/84/2025 issued by IBBI on March 28, 2025 is attached herewith as Annexure-I.

A copy of User Guide for registration at the e-auction platform Baanknet auction platform (formerly eBKray) is attached herewith as Annexure-II.

A copy of Frequently Asked Questions (FAQ) on Using Baanknet (formerly eBKray) Listing and Auction Portal is attached herewith as Annexure-III.

The Process Information Document for the Auction stands modified accordingly.

Directions issued by IBBI and requirements for Use of Baanknet (formerly eBKray) Auction Platform, shall prevail over terms & conditions specified in the Process Information Document.

Accordingly, EMD of Rs.2,50,00,000/- (Rupees Two Crore Fifty Lakh only) earlier deposited by you in the liquidation account of the corporate debtor Moser Baer Solar Limited-in-liquidation for participation in the auction process, is being returned to you. Prospective Bidders are requested to furnish details of their Bank Accounts at the earliest to enable return of EMDs deposited by them in the Liquidation Bank Account of the Corporate Debtor.

You are requested to register yourself as a buyer on the auction platform <https://baanknet.com/> and coordinate with the Auction Platform at +91 63546 04884 (Mr Kashyap Patel) or Toll Free Helpline No. +91 82912 20220 and at support.baanknet@psballiance.com to complete the registration process for participation in the auction of Moser Baer Solar Limited-in-liquidation. User Manual for registration is also attached herewith for your kind perusal.

Kindly ensure that the returned EMD of Rs.2,50,00,000/- (Rupees Two Crore Fifty Lakh only) is re-deposited by you by adding to the e-wallet on the auction platform to enable your participation in the e-auction process of corporate debtor Moser Baer Solar Limited-in-liquidation. Please note that in case EMD is not deposited in e-wallet at the auction platform latest by April 07, 2025 {23:59 hours}, you will not be able to participate in the auction process.

Please note that the e-wallet option shall be visible to you during the process of registration at the auction platform. You may please obtain assistance in this regard from Mr Kashyap Patel at +91 63546 04884.

Please contact the undersigned for any further clarification.

Liquidator”

(Emphasis Supplied)

“From: Arvind Garg <moserbaer.arvind@gmail.com>
Sent: **Monday, 7 April, 2025 1:10 PM**
To: Contact
Subject: Moser Beer Solar Limited- Registration as prospective bidder

Dear Sir

As advised to us just now by Mr Kashyap Patel, you are requested to register yourself as a buyer on the auction platform <https://ibbi.baanknet.com> and coordinate with the Auction Platform at +91 63546 04884 (Mr Kashyap Patel) or Toll Free Helpline No. +91 82912 20220 and at support.baanknet@psballiance.com to complete the registration process for participation in the auction of Moser Baer Solar Limited-in-liquidation.

Kindly ensure that the EMD of Rs.2,50,00,000/- (Rupees Two Crore Fifty Lakh only) is deposited by you by adding to the e-

wallet on the auction platform to enable your participation in the e-auction process of corporate debtor Moser Baer Solar Limited-in- liquidation. Please note that in case EMD is not deposited in e-wallet at the auction platform latest by April 07, 2025 (23:59 hours), you will not be able to participate in the auction process. Please note that the e-wallet option shall be visible to you during the process of registration at the auction platform. You may please obtain assistance in this regard from Mr Kashyap Patel at +91 63546 04884.
Please contact the undersigned for any further clarification.

Liquidator”

(Emphasis Supplied)

28. The User Guide outlining the step-by-step process for registering and participating in the auction reads as follows:

“30. The part detailing steps for First Time Registration contains the following steps:

FIRST TIME REGISTRATION

- Step 1. Click on Buyer Registration
- Step 2. Complete e KYC
- Step 3. Update Profile
 - a) Area of interest select area of interested industries
 - b) Interested assets select types of interest assets
- Step 4. Update Address and Bank account details
- Step 5. Add money to E wallet
- Step 6. Add documents to the Document library, if any

31. The part detailing steps for Participating In Auction contains the following steps:

PARTICIPATING IN AUCTION

- Step 1. Login to the platform
- Step 2. Click on assets to search for listing assets.
- Step 3. Click on Auction to search for upcoming or live auctions.
- Step 4. Search for preferred auction
- Step 5. After selecting an auction, click on 'Submission of Pre-Qualification'
- Step 6. Submit the requisite response against the qualifications and upload supporting documentation.
- Step 7. In case PQ is approved by the liquidator, you will become eligible to submit EMD. To pay EMD, click on 'Participate'
- Step 8. Pay EMD

- *Step 9. Accept Terms and Conditions*
- *Step 10. If you are participating in an auction along with other bidders, select 'Yes'. If you are bidding alone, select 'No'. After that pay the EMD.*

32. *The part detailing steps for 'During Auction' contains the following steps:*

DURING AUCTION

- *Step 1. After payment of EMD, visit the auction platform on the auction date and time. You will be placed in a Bidding Hall.*
- *Step 2. During the auction, you can bid with the increment price.*
 - a) *You can see if you are the highest bidder.*
 - b) *You can see what is the Highest Bid (H1 Bid Price)*
- *Step 3. After completion of the auction, the results will be declared. In case, you are the highest bidder, the EMD will be transferred to the liquidator. If you are not the highest bidder, the bid amount will come to the E wallet.”*

(Emphasis Supplied)

29. When we look at the two emails, we find that the email of 03.04.2025 clearly referred to the Process Information Document which had been issued earlier on 06.03.2025 and that the same stood modified wherein the modifications related to the change of the timelines; return of EMD and re-deposit through auction platform; submission of requisite documents including a declaration of eligibility under Section 29A of the IBC. The reference made to User Guide in the email of 03.04.2025 was also for the limited purpose of registration with no specific mention of any separate pre-qualification process. Thus this email made no specific mention of submission of pre-qualification documents or any related link in this email while there is explicit mention of uploading of requisite documents and EMD money on the auction platform. Thus, from the tone and tenor of this email, it is clear that the Liquidator was still referring to the Process Information Document and its

modified version for compliance and hence we find substance in the contention of the Appellant that they were under the impression that since they had already submitted the eligibility documents earlier the same still continued to hold good.

30. When we further look at the email of 07.04.2025 we similarly find that it refers only to registration as a buyer on the auction platform and deposit of EMD in the e-wallet by 23:59 hours on 07.04.2025 failing which they will not be able to participate in the auction process. This email even mentions that the e-wallet option would be visible during the process of liquidation at the auction platform but is silent about the Step 5 of Stage-II process of submission of pre-qualification. Neither does it mention about the time deadline for submission of pre-qualification. We also cannot be unmindful of the fact that since pre-qualification requirement was not highlighted by the Liquidator even in this subsequent email, the Appellant having already submitted the eligibility documents in terms of the Process Information Document, the assumption on the part of the Appellant that it had complied with the requirements cannot be viewed as unreasonable.

31. It is also the case of the Appellant that after registering itself on the BANNKNET platform and having obtained a User Code and Password it had logged on to the auction platform several times which login had taken place even on 07.04.2025. The login details can be seen at pages 281-282 of the Appeal Paper Book ('**APB**' in short). There is also no dispute that the Appellant had subsequently uploaded all documents in the Document Library and deposited the EMD amount in the e-wallet of the BAANKET platform. Thus,

the directions of the Liquidator contained in his two emails of 03.04.2025 and 07.04.2025 had been willfully complied to by the Appellant. The E-wallet account screenshot which has been placed at page 276 of APB also clearly shows that the account balance update in the e-wallet account of the Appellant was reflecting Rs. 2.5 Cr. at 13:44:42 hours as on 07.04.2025. Since there was no mention of any pre-qualification process to be completed either in the email dated 03.04.2025 or 07.04.2025, the contention of the Appellant that there was no further action to be taken on their part on having uploaded the eligibility documents in the Document Library of the BAANKNET portal and deposited the EMD amount on the e-wallet of the BAANKNET portal cannot be outrightly disregarded as false or a half-truth. From the above actions taken by the Appellant, there is sufficient reason for us to feel satisfied that the Appellant had demonstrably participated in the auction process in a bonafide manner and it was not misconceived on the part of the Adjudicating Authority to hold that the Appellant had abandoned the auction process.

32. This brings us to the contention of the Appellant that despite having complied with the above two requirements of uploading documents and EMD amount, the Appellant did not receive any link enabling participation/submission of pre-qualification documents on the auction platform and hence they could not proceed further in the auction process for which they were not at fault. It is the case of the Appellant that they did not receive any pre-qualification link due to a technical glitch in the BAANKNET portal.

33. Rebutting the argument canvassed by the Appellant it was contended by the Respondents that even if the Appellant had uploaded the documents in the Document Library and EMD to e-wallet, that by itself was not sufficient for them to participate in the auction process. The uploaded documents in the Document Library and the EMD in the e-wallet had to be further transferred by the Appellant to BAANKNET auction architecture to enable their further participation. As the Appellant had not followed this sequence of stage-wise process, it is the Appellant who was to be blamed for this shortcoming. The failure of the Appellant was not one of access to the pre-qualification link but one of non-compliance to the step by step procedure. It is also the case of the Respondent that the Appellant had failed to take any plausible steps to avail the intervention of three designated grievance redressal mechanism which had been provided to seek help in overcoming any difficulty faced in the process of login into BAANKNET portal by 1500 hours on 07.04.2025 when it had to submit the pre-qualification documents, this was a case not of technical glitch but procedural apathy.

34. When we look at the material placed on record, we find that the Appellant had made multiple login attempts on 07.04.2025 and 08.04.2025. The screenshot of login reports on 07.04.2025 and 08.04.2025 is placed at pages 281-282 of the APB. However, on not being able to participate in the auction, they had taken up with the BAANKNET executive at 1517 hours to be provided with the pre-qualification link even before the bid process was to commence. At this juncture, we may take notice of the efforts taken by the Appellant to overcome the hurdle faced by them which is borne out from an

email sent to the Liquidator by the BAANKNET representative who had received the call from the Appellant which is as extracted hereunder:

Tue, Apr 8, 2025 at 4:21 PM

*“support baanknet <support.baanknet@procure247.com>
To: arvindgarg31@gmail.com*

Dear Sir,

I am writing to inform you about a telephonic complaint I received today regarding Auction ID 144 (Moser Baer Solar Limited - in liquidation).

The key timelines for the auction were as follows:

- PQ Submission End Date & Time: 07/04/2025, 15:00 hrs*
- Inspection End Date & Time: 07/04/2025, 16:00 hrs*
- EMD Payment End Date & Time: 07/04/2025, 23:59 hrs*
- Auction End Date & Time: 08/04/2025, 18:00 hrs*

On 08/04/2025 at 15:17 hrs, I received a call from +91 98112 10979, representing JFC Finance Limited. The caller inquired about the unavailability of the PQ submission link. I informed them that the PQ submission window had already closed on 07/04/2025 at 15:00 hrs, and hence, they were no longer eligible to participate in the auction.

The caller alleged that the PQ submission link had been inaccessible since the previous day. However, it is important to note that the contact details of Mr. Arvind Garg (Authorized Officer) were clearly provided in the auction notice. Despite this, JFC Finance Limited made no attempt to contact any official until 15:17 hrs on 08/04/2025, when they reached out directly to me (Kashyap Patel, +91 63546 04884).

Screenshots of the call details are attached to this email for your reference.

Furthermore, the caller persistently requested that the auction be postponed, which is not feasible under the given timelines and procedural constraints.

This email is being sent for your kind information and necessary records.

Thanks & Regards,

*Kashyap Patel
BAANKNET Support Team.”*

(Emphasis Supplied)

When we look at the above letter, it is clear that the Appellant had informed the BAANKNET support team that the pre-qualification submission link had been unavailable to them since 07.04.2025 and as they were unable to participate, they had also requested for postponement of the auction. This email clearly shows seriousness on the part of the Appellant to participate in the bid process access to which was being denied due to non-availability of the pre-qualification link. We also cannot doubt the intention of the Appellant with regard to their participation in the e-auction since they had complained to the BAANKNET platform administrators one hour before the bid process was to start that they were not in a position to operate the window and participate in the e-auction. Furthermore, when the documents had already been uploaded by the Appellant in the Document Library and also deposited the EMD amount in the e-wallet, there was no conceivable reason for the Appellant to have desisted or abstained from uploading the same documents in case the pre-qualification link had become available. This leaves no manner of doubt about the Appellant being serious and ready to participate in the BAANKNET platform but for technical issues.

35. The Appellant thereafter sent a communication immediately to the Liquidator on the closure of the auction which is as reproduced below:

*“From: Contact <contact@jfcindia.com>
Sent: 08/04/2025 06:01 PM
To: 'Support.baanknet@psballiance.com'; 'Arvind Garg'”*

Subject: Regarding: Auction w.r.t. Moser Baer Solar Ltd. (In Liquidation) as sale as a going concern on as is where is basis

Dear Sir,

With reference to the auction notice dated 06.03.2025, issued by Mr. Arvind Garg, Liquidator Moser Baer Solar Ltd. (In Liquidation) for sale of Moser Baer Solar Ltd. (MBSL) as

Option I: Sale as a going concern on as is where is basis and without recourse basis.

Option II: Sale of NRRA on as is where is basis and without recourse basis.

We had participated in the said Bid for Option I and submitted all our document with requisite EMD of Rs. 2.5 Crores to the Liquidator. Thereafter, the Liquidator extended the last date of submission of EMD to 02.04.2025 and date of auction to 04.04.2025.

On 03.04.2025, the Liquidator informed us that in view of the circular dated 25.03.2025 issued by IBBI, the auction would now be conducted on BAANKNET portal and requested that all the documents w.r.t. to the EOI, 29A Affidavit and other qualification documents alongwith the EMD of Rs. 2.5 Crores to be uploaded on the BAANKNET portal after registration on the portal and creating a login ID and password. The last date for submitting EMD was 07.04.2025 upto 23.59 hrs. and the auction was to take place on 08.04.2025 from 04:00 PM to 06:00 PM.

We had registered on the portal on 04.04.2025 and created the login ID and password after discussions with Mr. Kashyap Patel of the BAANKNET portal. At that time we were not informed that a prequalification link will be issued to us.

Thereafter, we uploaded all the required documents in the documents library and also submitted the EMD of Rs. 2.5 Crores in the Wallet on 07.04.2025.

On 08.04.2025 i.e. today, at 3:00 PM, we logged in into the account on the BAANKNET portal and were surprised to find no link available to us to participate in the auction slated at 04:00 PM. We immediately called Mr. Kashyap Patel to understand why we have not been provided with the link to participate in the auction. To our surprise Mr. Kashyap Patel informed us that we are not eligible to participate as we had not entered our details and documents in the prequalification link sent / made available to us. He further explained that prequalification was to be done from 06.03.2025 to 07.04.2025 upto 15:00 hrs. We explained to him that the current portal for this auction w.r.t. submission of documents and EMD had only become active after 03.04.2025 and after we had created the

login ID on 04.04.2025, we did not receive any link to participate in prequalification. We also explained to him that as the prequalification started from 06.03.2025 we had submitted all the requisite documents to the Liquidator and therefore, we should be allowed to participate in the auction.

Mr. Kashyap Patel expressed his inability to help in the matter and thereafter, Mr. Arvind Garg, the Liquidator was also taken on call and explained the entire situation. Mr. Garg also expressed his inability to help in the matter and informed us that we will not be able to bid for the auction.

We are a genuine bidder who had given a bid for acquiring Moser Baer Solar Ltd. (In Liquidation) for sale of Moser Baer Solar Ltd. (MBSL) as a going concern on as is where is basis and without recourse basis way back in December 2023 for Rs. 26 Crores and we were the largest bidders. Thereafter, as per the order dated 31.12.2024 on the Application filed by the Liquidator for confirmation of sale (in our favour), the Hon'ble NCLT directed the Liquidator to conduct the process again. Thereafter, the process was initiated on 06.03.2025 wherein we had again participated. The current process is a new process and due to the technical problem in this process we have not been provided the prequalification link and have not been able to participate in the auction even though, all the documents with EMD were provided by us to the Liquidator as well as uploaded on the BAANKNET portal.

We request you to postpone / cancel the auction to enable us to participate in the same or allow us to do inter-se bidding with the highest bidder.

*Regards
For JFC Finance(India) Ltd.
Director*

(Emphasis Supplied)

36. However, we find that the Liquidator without being perturbed that an interested bidder has got excluded from the auction process took a hands-off approach premised on hyper-technicality that the Appellant had not taken necessary steps to enter into Step '6' of Stage-2. We find it surprising that even after the BAANKNET platform administrators had informed the Liquidator about the Appellant having complained that pre-qualification link was not visible to him, the Liquidator did not seek any report or status

feedback from BAANKNET as to whether there was any incidence of technical glitch having actually taken place as complained by the Appellant.

37. Even the Adjudicating Authority without trying to ascertain whether there was any technical error or not in the BAANKNET platform which prevented the Appellant from taking part in the bid process, the Adjudicating Authority has summarily concluded that they were a non-serious bidder who could not participate in the e auction due to their own lapses. The Adjudicating Authority also held against the Appellant that as they could not produce proof of non-receipt of pre-qualification link this showed that the non-availability of the pre-qualification link was a specious plea.

38. We are of the considered view that merely because the auction platform hinged on automation and was premised on a 'do it yourself process', the possibility of inadvertent technical bottleneck cannot be ruled out without ascertaining the facts. Assumption of the Adjudicating Authority that merely because the BAANKNET platform was an automated system and other participants did not face any technical difficulties, it was immune from suffering any systemic distortions or defects is misconstrued. The Adjudicating Authority's insistence on proof of non-receipt of pre-qualification link from the Appellant is not a credible method of unearthing whether there was a technical glitch or not. No conclusive inference could not have been arrived at by the Adjudicating Authority without referring the matter to the BAANKNET platform administrator who was responsible for administering the auction portal as neither the Liquidator nor the Adjudicating Authority

possesses the technical wherewithal or technical competence to conclusively establish whether such glitch occurred or not.

39. It may not be out of place to note here that during the course of oral hearing conducted by this Tribunal, the Appellant in all fairness had urged that they may be permitted to serve notices on the BAANKNET representative to be present before this Tribunal so that they could explain the e-auction process give their feedback on other related issues including the issue of technical glitch faced by them since this ground had been summarily rejected by the Adjudicating Authority. Accordingly, notices were issued on Respondent No. 2-BAANKNET on 21.11.2025. The Respondent No. 2 did not appear before the Court on the next dates of hearing on 28.11.2025 and 02.12.2025. This Tribunal on 02.12.2025 made it clear at para 6 of the interim order that in the event there was no representation/affidavit filed by Respondent No. 2, this Tribunal would proceed to decide the matter on merits. As Respondent No. 2 did not appear, the BAANKNET authorities have neither admitted nor controverted the contention of the Appellant that there was a technical glitch. We are therefore inclined to give benefit of doubt to the Appellant that they had faced a technical problem of not having received the pre-qualification link. We also cannot be unmindful of the fact that this new platform had been introduced contemporaneously and for both the bidders and the Liquidator this was an equally new mechanism for all the stakeholders.

40. Thus, to answer question nos. (a) and (b) at para 21 above, we are not persuaded to accept the finding returned by the Adjudicating Authority that

the Appellant had abandoned the e-auction process and was not a serious bidder or that the plea of technical difficulty raised by the Appellant preventing them from participating in the auction process on the BAANKNET platform was illusory or a bluster.

41. This brings us to the third issue which we have outlined before us as to whether the offer made by the Applicant of Rs. 54 Cr. which amount has already been deposited with the Liquidator can be sufficient basis for conduct of fresh auction/interse bidding as prayed for by the Appellant.

42. The Adjudicating Authority in the impugned order has observed that though on the first blush an enhanced offer looks both appealing as well as being in the interest of liquidation estate but concurrently observed that the offer having come from a bidder who had not shown due diligence in the auction process cannot be entertained as it would result in endless litigation and make the liquidation an unending process.

43. It is the case of the Appellant that they have been ousted from the auction process by the Liquidator on hyper-technical grounds inspite of being a genuine and interested participant. The Liquidator has failed to discharge his responsibility as contemplated under Section 35(1)(c) of the IBC read with Regulation 33 of the LPR to maximize the value of the assets of the Corporate Debtor and ensure maximum participation of prospective bidders. It was submitted that though the Appellant had submitted an enhanced offer of Rs. 35 Cr. on 11.09.2025 which offer was 20% higher than the present value of the bid submitted by highest bidder, the Liquidator did not place the offer

before the SCC. It was emphatically asserted that the Liquidator has not given any unequivocal response as to whether it had placed this offer of the Appellant for consideration of the SCC. Such consultation with the SCC was mandated by Regulation 31(A) of the LPR which could not be bypassed by the Liquidator. It is also contended by the Appellant that the revised higher offer was not merely an expression of intent but was a concrete proposal on their part to consummate the transaction which is fortified by the fact that the Appellant had already deposited a substantially higher value of Rs. 54 Cr. with the Liquidator on 02.02.2026 on the direction of the Delhi High Court. It was contended that when the amount already deposited by the Appellant was twice the value of highest bid received, it clearly demonstrates that the Appellant was a bonafide bidder who was financially competent and was seriously pursuing the auction process but was deliberately kept out as a non-serious bidder. It was also contended that the enhanced liquidation proceeds would ultimately accrue to public sector banks and financial institutions which would subserve public interest and align with the legislative objective of the IBC of value maximization.

44. It is the counter contention of the Liquidator that the above finding returned by the Adjudicating Authority is in conformity with the ratio outlined by the Hon'ble Supreme Court in several cases wherein it has held that after auction process is completed, the Liquidator cannot cancel the auction merely on a third-party communication that a higher price could be obtained. It was vehemently contended that unless fraud or collusion vitiates the auction proceedings, the Liquidator does not enjoy the mandate to cancel the auction

as any such step would erode the credibility of auction process itself. Moreover, the initial offer made of Rs. 35 Cr. was not made before the Liquidator but had been placed before the Adjudicating Authority. Similar argument was canvassed by Respondent No. 3 that any price discovery or price maximization should happen before the auction proceedings are completed. It was also pointed out that there are a catena of judgments passed by this Hon'ble Supreme Court as well as this Tribunal which has held that a higher subsequent offer after conclusion of auction process cannot be a ground to reopen a concluded auction. It was also contended that when a bidder has failed to follow the prescribed process it cannot demand a second chance through the Court to participate in the auction process and that too when in the present case the sale consideration process has already been paid by them in full on 20.11.2025 and a Sale Certificate had already been issued to them. Reopening of the sale process would upset their crystallized rights as Successful Auction Purchaser and destabilise the IBC liquidation regime.

45. Coming to the salient judgements which have been relied upon by the Respondents in support of their contention, we find that reference has been made to the judgement of Hon'ble Supreme Court in ***Celir LLP Vs. Sumati Prasad Bafna and Ors (2024) SCC OnLine SC 3727*** which reads as under:

“213. This Court in Valji Khimji (supra) held that once an auction is confirmed the objections to the same should not ordinarily be allowed, except on very limited grounds like fraud as otherwise no auction would ever be complete...

218. Any sale by auction or other public procurement methods once already confirmed or concluded ought not to be set-aside or interfered with lightly except on grounds that go to the core of such sale process, such as either being collusive, fraudulent or vitiated

by inadequate pricing or underbidding. Mere irregularity or deviation from a rule which does not have any fundamental procedural error does not take away the foundation of authority for such proceeding. In such cases, courts in particular should be mindful to refrain entertaining any ground for challenging an auction which either could have been taken earlier before the sale was conducted and confirmed or where no substantial injury has been caused on account of such irregularity.”

Since the above judgement is based on the ratio of the judgement of the Hon’ble Supreme Court in **Valji Khimji and Co. Vs. Official Liquidator (2008) 9 SCC 299** we are noticing the relevant excerpts of this judgment which reads to the effect:

“11... However, in our opinion, entertaining objections after the sale is confirmed should not ordinarily be allowed, except on very limited grounds like fraud, otherwise no auction-sale will ever be complete.

12. It is not in dispute that the auction was an open auction after wide publicity in well-known newspapers. Hence, there was nothing to prevent M/s Manibhadra Sales Corporation and M/s Castwell Alloys Ltd. to have participated in the auction, but they did not do so. There is no allegation of fraud either in this case. Hence, in our opinion, there was no justification to set aside the confirmation of the sale.

.....

28...of course, the situation may be different if an auction-sale is finalised, say for Rs 1 crore, and subsequently somebody turns up offering Rs 10 crores. In this situation it is possible to infer that there was some fraud because if somebody subsequently offers Rs 10 crores, then an inference can be drawn that an attempt had been made to acquire that property/asset at a grossly inadequate price. This situation itself may indicate fraud or some collusion. However, if the price offered after the auction is over which is only a little over the auction price, that cannot by itself suggest that any fraud has been done.”

46. We are of the view that the ratio of the above two judgements do not fully support the Respondents in that while it lays down that ordinarily once

any sale by auction is concluded it should not be interfered with lightly but it does rule out interference on grounds of inadequate pricing. Furthermore, the ratio of **Valji Khimji judgment** is not applicable in the present case because in that case a party which had never participated in the auction had started objecting to the auction proceedings more than one year after the same had been confirmed.

47. Reliance has also been placed by the Respondents on the judgement of Hon'ble Supreme Court **K Kumara Gupta vs. Sr Markendaya and Sri Omkareswara Swamy Temple and Ors (2022) 5 SCC 710** which reads as under:

“17. The sale pursuant to the public auction can be set aside in an eventuality where it is found on the basis of material on record that the property had been sold away at a throwaway price and/or on a wholly inadequate consideration because of the fraud and/or collusion and/or after any material irregularity and/ or illegality is found in conducting/holding the public auction. After the public auction is held and the highest bid is received and the property is sold in a public auction in favour of the highest bidder, such a sale cannot be set aside on the basis of some offer made by third parties subsequently and that too when they did not participate in the auction proceedings and made any offer and/ or the offer is made only for the sake of making it and without any serious intent. In the present case, as observed hereinabove, though Shri Jagat Kumar immediately after finalising the auction stated that he is ready and willing to pay a higher price, however, subsequently, he backed out. If the auction- sale pursuant to the public auction is set aside on the basis of such frivolous and irresponsible representations made by such persons then the sanctity of a public auction would be frustrated and the rights of a genuine bidder would be adversely affected.”

The ratio of **K. Kumara Gupta judgment** also does not apply because in that case again the offer of a higher bid was made by a third party subsequent to

the conduct of the bid and that too when they had not participated in the auction proceedings.

48. In support of their contention that fetching of higher price alone cannot be a good ground to cancel an otherwise valid auction, reliance was also placed on the judgement of Hon'ble Supreme Court in ***Eva Agro Feeds (P) Ltd. v. Punjab National Bank, (2023) 10 SCC 189*** which reads as under:

“79. Thus, mere expectation of the Liquidator that a still higher price may be obtained can be no good ground to cancel an otherwise valid auction and go for another round of auction. Such a cause of action would not only lead to incurring of avoidable expenses but also erode credibility of the auction process itself. That apart, post auction it is not open to the Liquidator to act on third-party communication and cancel an auction, unless it is found that fraud or collusion had vitiated the auction. The necessary corollary that follows therefrom is that there can be no absolute or unfettered discretion on the part of the Liquidator to cancel an auction which is otherwise valid....”

The ratio of ***Eva Agro Feeds judgment*** is distinguishable since in that case the request for cancellation of auction had come from a third party.

49. On contention raised by the Respondents that the Appellant is a habitual fence-sitter in e-auction matters and in another bid had raised similar technical error issues to manipulate their backdoor entry into the auction process which had been turned down by this Tribunal in ***JFC Finance (India) Ltd. judgment supra***, we are of the view that facts of each case are to be adjudicated on their own merits and facts of an unrelated case cannot be allowed to prejudice our minds on the conduct of the Appellant.

50. Two judgements have been relied upon by the Respondents to contend that technical glitches or snags in the e-portal cannot be a ground to hold

that the auction process has been vitiated. One of the said judgements is of the Hon'ble Supreme Court in **Maharashtra Housing Development Authority Vs. Shapoorji Pallonji and Company Private Limited & Ors. (2018) 3 SCC 13** which reads as under:

“8. The above apart, in the counter-affidavit filed by NIC it has been stated that the bid uploaded by the first respondent was invalid as the representative(s) of the said respondent did not press the "freeze button" which alone would have completed the bid process. In this regard, NIC has further stated that on 27-7-2017 there was no problem in the server during the relevant time period and as many as 427 bid documents (pertaining to other tenders) were uploaded between 1200 hours to 1300 hours on the said date i.e. 27-7-2017. NIC in its affidavit has further stated that if the first respondent had uploaded the documents at 1216 hours on 27-7-2017 and it had not received the bid submission acknowledgment it still had 44 minutes to contact NIC for help which help was not sought. In this regard, NIC has further stated that the first respondent bidder had participated in e -Tendering in Maharashtra Government portal earlier and thus it was familiar with the entire process.”

It is pertinent to note that even the judgment of **Maharashtra Housing Development Authority** does not apply in the present case since in that case it was confirmed by the NIC that there was no problem in the server during the relevant time period and that it was the lapse on the part of the party therein to not have pressed the 'freeze button' which alone could have completed the bid process. The NIC which had developed the e-portal and is responsible for maintenance had confirmed the status. In the present case there is no confirmation by BAANKNET that there was no technical error in their e-portal.

51. Reliance has also been placed on the judgement of Hon'ble Delhi High Court in ***Deep Blue Xpress limited vs. Municipal Corporation of Delhi 2023 SCC OnLine Del 5493*** reads as under:

“12.The aforesaid facts dispel all allegations vis-a-vis the occurrence of technical glitches or snags on the e-portal. If any issues were faced by the Petitioner herein while submitting its bid for the Subject Tender, they were certainly not caused by any technical glitch on the part of the NIC or the Respondents. Therefore, the failure of the bidder to submit its bid within due time on the e-portal is certainly the fault of the Petitioner itself, and this Court finds no merit in the allegations leveled by the Petitioner that it was unable to submit its bid due to technical glitches.

16. It is well settled that the scope of interference by a High Court in matters of tender, while exercising its jurisdiction under Article 226 of the Constitution of India, is extremely narrow. The Court ought not to interfere in such matters unless it is established that the process adopted by the decision-making authority is mala fide, intended to favour someone, arbitrary or irrational....”

Even in ***Deep Blue Xpress*** matter we find that the failure of the bidder to submit its bid within due time was not caused by any technical glitch on the part of the NIC.

52. When we come to the facts of the present case, as we have already noted earlier, the Appellant on not being able to participate in the e-auction held on 08.04.2025 and aggrieved by their exclusion from the auction process, had approached the High Court of Delhi on 09.04.2025, the Liquidator had made a statement that no further steps would be taken pursuant to e-auction process held for the sale of the Corporate Debtor. The relevant extracts of the said order of the High Court of Delhi are as extracted below:

“5. That the Ld. Counsel for the Respondent No. 1 (Liquidator), while refuting the contentions of the Petitioner on merits, submits that since the NCLT shall be reopening only on 15.04.2025 (whereupon the

matter is expected to be taken up by the NCLT), the Respondent No. 1 shall not take any further steps pursuant to the e-auction process for the sale of MBSL (except for conducting internal meetings with the Banks/Stakeholders) till 21.04.2025”

Yet as the Liquidator proceeded to hold a SCC meeting on 15.04.2025 to declare the Respondent No. 3 as successful bidder, the Appellant had thereafter filed a contempt petition before the Delhi High Court against the Liquidator for disobedience of the order dated 09.04.2025 passed by the Delhi High Court. When the matter was heard by the High Court of Delhi it passed an order on 11.02.2026, the relevant excerpts of which order is as extracted hereunder:-

“13. As can be seen, the aforesaid order records the statement/undertaking of the liquidator that the petitioner is willing to offer a sum of Rs.54 Crores (in respect of the very same assets which have been sought to be e-auctioned for a sum of Rs.28.27 Crores). The said order further records the unequivocal stand of the liquidator that in the event of the petitioner furnishing a bank draft for the said amount, the liquidator shall request the NCLAT (in the pending proceedings) to set aside the e-auction already conducted and seek permission for the conduct of a re-auction of the concerned assets with a reserve price of Rs.54 Crores.

14. Pursuant to the above, on 02.02.2026, a bank draft of Rs.54 Crores was furnished by the petitioner. The particulars of the same are reproduced as under:

DD Sr. No. : 295813

Dated: 21.01.2026

Amount: 54,00,00,000/-

Drawn on: Axis Bank, New Delhi Branch (IFS Code: UTIB0000007)

15. In the above context, although it has transpired in these proceedings that the reserve price for the concerned asset/s was woefully inadequate and the auction process was also riddled

with controversy, considering that the liquidator has sought to effect a course correction in terms of the statement recorded in the order dated 21.01.2026, this Court does not find it necessary to delve deeper into the aforementioned allegations of the petitioner.

.....

17. The aforesaid extracts of the 'Process Information Document' governing the auction process recognizes the rights and powers of the Liquidator to annul the auction process and initiate a re-auction, inter-alia to maximize the value received in the liquidation proceedings. Inherently, the auction process is also within the regulatory purview of the NCLT and the NCLAT. It appears that the offer of the petitioner to the tune of Rs. 54 Crores, for the very asset/s which have been sought to be e-auctioned for Rs.28.27 Crores, and the stand now taken by the liquidator that a re-auction shall be conducted with reserve price of Rs.54 Crores, is in the interest of maximization of the value of the liquidation estate. The same will also enure to the benefit of the concerned public sector banks that constitute the "Consultative Committee of Stakeholders".

18. Needless to say, it shall be for the NCLAT to consider the matter further in the above conspectus, and pass appropriate orders in the pending appeal....."

The Appellant has already deposited Rs. 54 Cr. for the assets which had been e-auctioned for Rs. 28.27 Cr. and has now prayed that they may be permitted to participate in the auction which may be held afresh or participate in *inter se* with the Respondent No.3.

53. Coming to the salient judgements relied upon by the Appellant, one such judgement is that of the Rajasthan High Court in **JSW Cement Ltd. Vs State of Rajasthan 2018 SCC Online Raj 1313** which reads as under:

"27. Hence, in the given facts and circumstances as also lack of expertise available with the Court, it is not possible for the Court to ascertain as to whether the fault was at the end of server or at the end of petitioner but at the same time, it cannot be denied that there was indeed a technical glitch and the petitioner was restrained from making a genuine and bonafide higher offer on

account of the same. Having said that, the fact that the respondent No.8 did not immediately react to the call made by the petitioner does leave one wondering. This Court may note that the respondent No.8 appeared in person and admitted before this Court that he had received a telephone call before the lapse of 08 minutes. The lapse and inaction on their part to act immediately on receiving the call is a great cause of concern because in case their inaction is overlooked by the authorities now and ignored, the same is likely to be misused in future...”

This judgement comes to the aid of the Appellant in that present is also a case where technical error over which the Appellant had no control has precluded him from the tender process and keeping in view that the substantially high offer made by him of Rs. 54 Cr can be pegged as the reserve price in a fresh auction, it would be in the larger public interest as it would promote competition.

54. In support of their contention, reliance has also been placed on the judgement of Hon'ble Supreme Court ***Om Sakthi Sekar vs V. Sukumar and Ors. 2026 SCC OnLine SC 368*** which is reproduced hereunder:

*“15. While there can be no quarrel with the settled proposition that the rights of a bona fide auction purchaser deserve due protection and that confirmed court sales should not ordinarily be interfered with, it is equally well established that such protection is not absolute. Where credible issues are raised regarding the adequacy of valuation or the fairness of the process leading to the fixation of the reserve price, the supervisory jurisdiction of the court may be invoked to ensure that the recovery proceedings have been conducted in a manner that secures the best possible value of the property. The objective of recovery proceedings is not merely to complete the sale but to realise the maximum value of the secured asset so as to balance the interests of the creditor and the borrower. In this regard, reference may be made to the decision of this court in *Rajiv Kumar Jindal v. BCI Staff Colony Residential Welfare Association*, wherein, it was observed that the purpose of an auction is to obtain the most remunerative price for the property by affording an opportunity to intending purchasers to participate*

in a process of competitive bidding, thereby ensuring transparency and fairness in the sale. The court further emphasised that if the process of competitive bidding is curtailed or compromised, the possibility of underbidding or securing an inadequate price cannot be ruled out. In such circumstances, the court is required to exercise its discretion with circumspection so as to safeguard the legitimate interests involved in the sale process. The following paragraphs are apposite:

"The object of the auction is to secure optimum realisable value of the property by giving opportunity to the potential buyers facing competitive bids either in open or closed format. The terms 'auction' or 'bid' are inter-related as both give the idea of selling the product to the public. Bidding involves the process where a person offers a price which is known as a bid. The process of bidding takes place in a situation where large number of people show their willingness to buy a particular product or a service and bidding in a sealed envelope is often used by various companies, industries and small businesses for assessing the needs of the public at large. On the other hand, auction is the process that involves buying and selling goods and services by offering them for bids, taking bids and selling the item to the highest bidder and that is possible if there is a competitive bidding between the bidders.

The purpose of auction (open or close format) is to get the most remunerative price and giving opportunity to the intending bidders to participate and fetch higher realisable value of the property. If that path is cut down or closed, the possibility of fraud or to secure inadequate price or underbidding would loom large. In the given circumstances, it is the duty of the court to exercise its discretion wisely and with circumspection and keeping in view the facts and circumstances in each case.

The object of auction has been considered by this court in Lakshmanasami Gounder v. C.I.T. Selvamani as under:

... The object of the sale is to secure the maximum price and to avoid arbitrariness in the procedure

adopted before sale and to prevent underhand dealings in effecting sale and purchase of the debtor's property. Public auction is one of the modes of sale intending to get highest competitive price for the property. Public auction also ensures fairness in actions of the public authorities or the sale officers who should act fairly and objectively. Their action should be legitimate. Their dealing should be free from suspicion. Nothing should be suggestive of bias, favouritism, nepotism or beset with suspicious features of underbidding detrimental to the legitimate interest of the debtor ... "

55. We find that the above judgment clearly comes to the aid of the Appellant in that though an auction process has a sanctity attached to it and only for valid reasons the highest bid can be discarded in an auction, present is a case where a much higher offer has been made by the Appellant who despite being a bonafide participant in the bidding process but had got excluded due to technical glitches beyond his control. The offer amount has already been deposited with the Liquidator who has also taken the stand taken before the Delhi High Court that a re-auction shall be conducted with reserve price of Rs. 54 Cr. in the interest of maximization of value of the liquidation estate, the same surely furthers the underlying object of the IBC which is to protect and preserve the assets of the corporate debtor in liquidation by selling at the best possible price. Basis the above, our answer to question (c) at para 21 above is in the affirmative.

56. In view of the aforesaid discussion and having answered the three questions we had framed for our consideration, we are of the considered view that the impugned order cannot be sustained. The impugned order is accordingly set aside. The Appeal is allowed with the following directions:

(i) The e-auction of the Corporate Debtor-MBSL conducted by the Liquidator on 08.04.2025 is set aside;

(ii) The Liquidator shall conduct fresh e-auction proceedings with reserve price kept at Rs. 54 Cr. which auction shall be open for all eligible prospective bidders including the Appellant;

(iii) In the event, there is no bidder offering higher than Rs. 54 Cr., the Appellant cannot resile from its offer and having already deposited the said amount with the Liquidator on the direction of the High Court of Delhi shall be declared the highest bidder and the matter placed before the SCC for its consideration for further action in accordance with law and;

(iv) In the event, the bid amount offered by any other bidder surpasses the bid offer of the Appellant, the Liquidator shall forthwith return the amount of Rs. 54 Cr. deposited with it by the Appellant; and

(v) The Liquidator shall complete the liquidation proceedings within a period of 60 days from the date of this judgment in a fair and transparent manner.

(vi) The Appeal is disposed of in the above terms. I.A's, if any, stand closed.

(vii) Parties may bear their own costs.

**[Justice Ashok Bhushan]
Chairperson**

**[Mr. Barun Mitra]
Member (Technical)**

*Place: New Delhi
Date : 29.05.2026
Sheetal*