

**IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT- IV**

**I.A. No. 4318 of 2025
In
I.A. No. 3328 of 2025
In
CP (IB) No. 197 of 2018**

*[Under Section 60(5) of Insolvency and
Bankruptcy Code, 2016 r/w rule 11 of NCLT
Rules, 2016]*

Manali Petrochemicals Ltd.

...Applicant/ Operational
Creditor

V/s.

Mr. Amit Gupta...Respondent/Erstwhile RP

And

Shamrock Pharmachemi Pvt. Ltd. & Ors

...Proposed Respondents

Pronounced: 15.06.2026

CORAM:

SHRI ANIL RAJ CHELLAN

SHRI K. R. SAJI KUMAR

HON'BLE MEMBER (TECHNICAL)

HON'BLE MEMBER (JUDICIAL)

Appearances : Hybrid

For the Applicant :

Adv. Cyrus Bharucha a/w Adv. Neha Duru,

Adv.Kanchan Shivarkar, Adv. Neha Patel &

Adv. Esha Todkar

For Respondent

: Adv. Saurabh Bachhawat a/w Adv. Kaushik Puranik

i/b Chandhiok & Mahajan

ORDER

1. The present Application is filed under section 60(5) of the Insolvency and Bankruptcy Code, 2016, read with rule 11 of National Company Law Tribunal Rules, 2016, seeking to amend Interlocutory Application No. 3328 of 2025 in I.A. No. 197 of 2018, in terms of the Schedule of Amendment annexed with the present I.A. The Applicant prays as under:

- i. allow the present Interlocutory Application;*
- ii. permit the Applicant/Operational Creditor to amend the Interlocutory Application No. 3328 of 2025 as per the Schedule annexed to the present Interlocutory Application; and*
- iii. pass such other orders/ directions as this Hon'ble Tribunal may deem fit and proper.*

Background

2. The Applicant, i.e., Manali Petrochemicals Limited, is an Operational Creditor of Unimark Remedies Limited, the Corporate Debtor (CD). The Applicant is registered under the provisions of the Companies Act, 1956, and is engaged in the business of petrochemicals.
3. The Resolution Plan in respect of the CD was approved by this Tribunal *vide* order dated 17.04.2023, and the said Plan is under implementation; however, the same has not been fully implemented.
4. The present Applicant filed IA No 3328 of 2025 on 21.07.2025, praying for admission of their claim with the following Prayers:

- i. take this Application on record;*
- ii. direct the Resolution Professional to make payment to Manali/ Operational Creditor in an amount of Rs. 13,73,42,180/- (Rupees Thirteen Crores Seventy-Three Lakhs Forty-Two Thousand One Hundred and Eighty Only), in view of the Order dated 4th February, 2019 of this Hon'ble Tribunal and the confirmation of the Respondent by his email dated 11th February, 2019; and*
- iii. pass such other orders/directions as this Hon'ble Tribunal may deem fit and proper.*

Submission of Applicant

5. In the Application, the present Respondent No 1 was the Resolution Professional (RP), and presently acting as the Chairman of the Monitoring Agency overseeing the implementation of the Resolution Plan of the CD. The proposed Respondents Nos. 2 to 4 are the Successful Resolution Applicants (SRAs) and are also the members of the Monitoring Agency.
6. It is further submitted that the proposed Respondents Nos. 5 to 18 are the members of the Committee of the Creditors (CoC) of the CD. It is also stated that the Respondents Nos. 5, 6 and 14 are also members of the Monitoring Agency.
7. The Applicant states that they had submitted their claim in the CIRP of the CD with the Respondent No. 1/RP, prior to the approval of the Resolution Plan. This Tribunal *vide* order dated 04.02.2019, had directed the Respondent No. 1/RP to consider the Applicant's claim. The RP also acknowledged the receipt of the Applicant's claim. However, it is submitted that the RP failed to admit the Applicant's claim.

8. It is further submitted that the Resolution Plan in respect of the CD was approved by this Tribunal by order dated 17.04.2023. Thereafter, upon seeking clarification from the RP, the RP, by email dated 06.01.2025, informed the Applicant that their claim was not admitted on the ground that it was filed belatedly after the approval of the Resolution Plan.
9. It is submitted that the I.A. No. 3328 of 2025 had originally proceeded only against the Respondent No.1/RP. But it is pertinent to note that the Resolution Plan is not fully implemented and therefore it is necessary to implead (i) the Committee of Creditors; (ii) the Monitoring Agency; and (iii) the Resolution Applicants as party Respondents in I.A. No. 3328 of 2025. It is further submitted that this Tribunal, by order dated 28.07.2025, granted liberty to the Applicant to amend the said I.A. Therefore, it is necessary to enable the Resolution Applicants (Respondent Nos. 2 to 4); the CoC (Respondent Nos. 5 to 18); and the Monitoring Agency (Respondent Nos. 1 to 6 and 14), to consider and grant the claim of the Applicant against the CD.
10. The Applicant further submits that grave harm, loss and prejudice shall be caused to them if the present Application is not allowed, whereas no loss or injury shall be caused to Respondents/Proposed Respondents, in the event of this Application being allowed.
11. Therefore, the present Application.

Analysis and Findings

12. We have heard the Counsel for the parties and have gone through the records.
13. The present Application has been filed by the Applicant, who was an Operational Creditor in the CIRP of the CD, seeking an amendment in I.A. No. 3328 of 2025 for the impleadment of Additional Respondents and also for consequential amendments in the pleadings and reliefs sought in that I.A.

14. It is seen that I.A. No. 3328 of 2025 was originally filed only against the Resolution Professional of the CD. The reliefs sought by the Applicant relate to the admission of their claim against the CD. It is submitted that the Resolution Plan is still under implementation. It is further to be noted that this Tribunal *vide* order dated 28.07.2025 had granted liberty to the Applicant to implead the necessary parties in the said Application.
15. Therefore, it is pertinent to note that the amendments proposed by Applicant are primarily for bringing on record all proper and necessary parties and consequential modification of the cause title, pleadings, and prayer clause. The same is not prejudicial to the fundamental nature of the original proceedings, and also, the proposed amendment does not lead to any new cause of action.
16. If the Amendment is allowed, no prejudice would be caused to the existing or proposed Respondents, and therefore, we are of the considered view that the present Application deserves to be allowed in the interest of justice and for complete adjudication of the issues involved.
17. In view of the above facts, the **Interlocutory Application No. 4318 of 2025 is allowed and disposed of.**

Sd/-
ANIL RAJ CHELLAN
MEMBER (TECHNICAL)
Sanika, LRA

Sd/-
K. R. SAJI KUMAR
MEMBER (JUDICIAL)