

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins) No. 68 of 2019

IN THE MATTER OF:

B. PrashanathHegde

Appellant

Vs.

State Bank of India &Anr.

....Respondents

Present:

For Appellant: Ms. Pranjal Kishore, Advocate

**For Respondent: Mr. V M Kannan, Mr. Sanjay Kapur and Mr. Arjun
Bhatia, Advocates for R-1/SBI.**

Mr. Mukund P. Unny, Advocate for R-2 (RP).

O R D E R

(Virtual Mode)

28.05.2021: In compliance to the order dated 15.04.2021 passed by Hon'ble Supreme Court in Civil Appeal No. 3765 of 2020 the Appeal is restored to its original number. The relevant portions of the order is as under:-

“6. There can be no doubt whatsoever that the appellant has been completely remiss and deficient in pleading acknowledgement of liability on the facts of this case. However, given the staggering amount allegedly due from the respondents, we afford one further opportunity to the appellant to amend its pleadings so as to incorporate what is stated in the written submissions filed by it before the NCLAT, subject to costs of Rs.1,00,000/- to be paid by the appellant to the respondents within a period of four weeks from today.

7. We, therefore, allow the appeal, set aside the judgment of the NCLAT dated 14.10.2020, and restore the appeal to the file to be decided in light of our judgment in Civil Appeal No. 323 of 2021.”

Ld. Counsel for the Respondent No. 1 submits that in compliance of the liberty given by the Hon'ble Supreme Court, they have paid the costs of Rs. 1 Lakh to the Appellant and filed an application (Diary No.

9910134/02145/2021) for amendment of the application under Section 7 of the IBC.

He further submits that just to complete the record they have also filed the same application before the Adjudicating Authority.

Ld. Counsel for the Appellant seeks and is granted two weeks time to file Reply of the aforesaid application.

Ld. Counsel for the Appellant submits that they have also filed Civil Appeal No. 3714 of 2020 before Hon'ble Supreme Court against the order dated 14.10.2020 passed by this Appellate Tribunal which is still pending before the Hon'ble Supreme Court.

This impugned order before this Appellate Tribunal passed by Bangalore Bench in which Dr. Ashok Kumar Mishra was part of the Bench, therefore, this matter should be listed before the Bench in which one of us (Dr. Ashok Kumar Mishra) shall not be a Member.

Let the matter be fixed on **18th June, 2021** before appropriate bench for orders on application.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

SC/md.