

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT)(Insolvency) No. 302 of 2017**

**IN THE MATTER OF:**

**Axis Bank Limited**

**...Appellant**

**Vs**

**EDU Smart Services Private Limited & Anr.**

**....Respondents**

**Present:**

**For Appellant: Mr. Amit Sibal, Senior Advocate with Mr. Shantanu Chaturvedi, Mr. Ranjeev Khatana, Advocates and Mr. Jogendra, Legal Manager, Axis Bank.**

**For Respondents: Dr. U.K. Choudhary, Senior Advocate, Mr. Ajay Jain, Mr. Himanshu Vij, Advocates for COC.**

**Ms. Vatsala Kak and Ms. Charu Sharma and Ms. Ritu Rastogi for Resolution Professional.**

**With**

**Company Appeal (AT)(Insolvency) No. 16 of 2018**

**IN THE MATTER OF:**

**Export Import Bank of India**

**...Appellant**

**Vs**

**Resolution Professional JEKPL Pvt. Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Pallav Shishodia, Senior Advocate with Mr. Ashish Rana, Advocates.**

**For Respondent: Mr. Rohit Chaudary Advocate and Mr. Nesar Ahmad, PCS**

**Mr. A.S. Chandhiok, Senior Advocate, Mr. Dhiraj Nair, Mr. Mohit Bakshi and Mr. Kumar Kislay, Advocates for Resolution Applicant.**

**With**

**Company Appeal (AT)(Insolvency) No. 304 of 2017**

**IN THE MATTER OF:**

**Export Import Bank of India**

**...Appellant**

**Vs**

**Resolution Professional JEKPL Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant: Mr. Pallav Shishodia Senior Advocate with Mr. Ashish Rana, Advocates.**

**For Respondent: Mr. Rohit Chaudary, Advocate. Mr. Nesar Ahmad, PCS**

**Mr. A.S. Chandhiok, Senior Advocate, Mr. Dhiraj Nair, Mr. Mohit Bakshi and Mr. Kumar Kislay, Advocates for Resolution Applicant.**

**O R D E R**

**18.04.2018** Mr. A.S. Chandhiok, learned Senior Counsel appearing on behalf of one of the Resolution Applicants has concluded his argument.

Dr. U.K. Chaudhary, learned Senior Counsel appearing on behalf of the 1<sup>st</sup> Respondent submits that the claim of the Axis Bank has been taken into consideration by the Resolution Professional as also the Resolution applicant and the same is reflected in the Resolution Plan. He is allowed to file affidavit in this regard by 20.4.2018.

Mr. Amit Sibal, learned Senior Counsel appearing on behalf Axis Bank submits that the Appellant has come to know that against a claim of Rs. 396 Crores(approximately), only a sum of Rs. 40 crores have been taken care of. It is submitted that such irregularity has been caused as the Appellant- Axis

Bank has not been treated as 'Financial Creditor' and has not been allowed to take part in the meeting of Committee of Creditors. Arguments of the Counsels appearing on behalf of the parties have been concluded.

Judgement reserved.

It will be open to the parties to file their respective Written Submissions not more than 5 pages by 23.04.2018.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*Akc/unk*