

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

**I.A. No. 1857 of 2019**

**In**  
**Company Appeal (AT)(Ins) No. 536 of 2019**

**IN THE MATTER OF:**

**IDBI Bank Limited**

**...Appellant**

**Versus**

**Mr. Anuj Jain, IRP,  
Jaypee Infratech Ltd. and Anr.**

**...Respondents**

**Present :**

**For Appellant: Mr. Salman Khurshid, Senior Advocate with  
Mr. Bishwajit Dubey, Mr. Uday Khare, Mr. Surabhi  
Kharrar, Mr. Muhammad Ali Khan and Ms. Namrah Nasir,  
Advocates**

**For Respondent: Mr. Sanjay Bhatt, Advocate for IRP  
Mr. Anand Grover, Senior Advocate with  
Mr. Jatin Ghuliani, Mr. Amit K. Mishra, Ms. Jahnvi Bhasin  
and Ms. Apeksha, Advocates for Home Buyer Association.**

**ORDER**

**10.06.2019** As the voting is on, which is likely to be completed today by 5.00 p.m., we are not inclined to pass any specific order in the present I.A. No. 1857 of 2019 filed by the 'IDBI Bank Limited'. After voting the decision if taken in terms of the earlier order passed by this Appellate Tribunal on 17<sup>th</sup> May, 2019, the 'Resolution Professional' instead of placing the matter before the Adjudicating Authority (NCLT), will first place the decision of the 'Committee of Creditors' before this Appellate Tribunal for further orders.

We make it clear that if any of the 'Financial Creditor' remains absent from voting, their voting percentage should not be counted for the purpose of counting the voting shares, as held by this Appellate Tribunal in '**Tata Steel Ltd. vs.**

***Liberty House Group Pte. Limited & Ors.*** – ‘Company Appeal (AT) (Insolvency)

No. 198 of 2018’ disposed of on 4<sup>th</sup> February, 2019.

Place the case ‘for orders’ along with ‘Interlocutory Application’ on **2<sup>nd</sup> July, 2019.**

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice A.I.S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

ns/sk

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