

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No. 3618 of 2019

IN

Company Appeal (AT) (Insolvency) No. 1068 of 2019

IN THE MATTER OF:

DBS Bank Ltd., Singapore

...Appellant

Versus

Shailendra Ajmera & Anr.

...Respondents

Present:

**For Appellant : Mr. Krishnendu Datta and Mr. Raghav Chadha,
Advocates**

For 1st Respondent: Mr. Raunak Dhillon and Ms. Ananya Dhar, Advocates

**For 2nd Respondent : Mr. K. Venugopal, Senior Advocate with
Mr. Nakul Sachdeva, Mr. Aakarshan and Mr.
Damandeep Bhalla, Advocates**

**Mr. A. S. Chandhiok, Senior Advocate with
Mr. N.P.S. Chawla and Mr. Kaustubh Prakash,
Advocates for Successful Resolution Applicant**

O R D E R

09.12.2019 This appeal has been preferred by the Appellant –‘DBS Bank Ltd., Singapore’, (dissenting Financial Creditor) against the order dated 4th September, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench, Mumbai wherein the Adjudicating Authority approved the ‘resolution plan’ filed by ‘Patanjali Ayurved Ltd.’, ‘Divya Yog Mandir Trust’, ‘Patanjali Parivahan Private Ltd’ and Patanjali Garmudyog Nyas’ (jointly).

Earlier when the matter was taken up, Mr. Krishnendu Datta, learned counsel appearing on behalf of the Appellant submitted that this appeal is

covered by the decision of this Appellate Tribunal in '*Company Appeal (AT) (Insolvency) No. 788 of 2019*'. It was informed that by order dated 18th November, 2019, this Appellate Tribunal dismissed the appeal preferred by the Appellant. Therefore, the suggestion was made that the appeal being covered by the said judgment, similar order should be passed.

In the aforesaid background as the Appellant wanted the dismissal of this appeal, we are not deliberating on any other issue, except to say that this very Appellant categorically stated that they never wanted to challenge the 'resolution plan'. Once they have taken such plea that they never wanted to challenge the 'resolution plan', we are of the view that the Appellant cannot raise such issue directly in this appeal.

The appeal is accordingly dismissed being barred by principle of estoppel.

I.A. No. 3618 of 2019 stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

/ns/gc

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