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BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
INTERLOCUTORY APPLICATION NO. OF 2023
IN
COMPANY PETITION (IB) NO. 77/ALD/2017

IN THE MATTER OF:

IDBI BANK LIMITED

...FINANCIAL CREDITOR

VERSUS

JAYPEE INFRATECH LIMITED

...CORPORATE DEBTOR

AND IN THE MATTER OF:

ANUJ JAIN

INTERIM RESOLUTION PROFESSIONAL

JAYPEE INFRATECH LIMITED

...APPLICANT

VERSUS

SURAKSHA REALTY LIMITED & ANR.

...RESPONDENTS

**APPLICATION ON BEHALF OF THE INTERIM RESOLUTION
PROFESSIONAL OF JAYPEE INFRATECH LIMITED UNDER SECTION
25(2)(e) OF THE INSOLVENCY AND BANKRUPTCY CODE, 2021 READ
WITH REGULATION 28 (2) OF THE INSOLVENCY AND BANKRUPTCY
BOARD OF INDIA (INSOLVENCY RESOLUTION PROCESS FOR
CORPORATE PERSONS) REGULATIONS, 2016 FOR NOTIFYING CHANGE
IN THE CONSTITUTION OF THE COMMITTEE OF CREDITORS**

MOST RESPECTFULLY SHOWETH:

1. The present application is being filed by the Interim Resolution Professional (hereinafter, "Applicant") of Jaypee Infratech Limited (hereinafter, "Corporate Debtor") under Section 25(2)(e) of the Insolvency and Bankruptcy Code, 2016 (hereinafter, "Code") read with Regulation 28 (2) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (hereinafter, "CIRP Regulations") for notifying the change in the constitution of the Committee of Creditors

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(hereinafter, "CoC") of the Corporate Debtor pursuant to the execution of Joint Assignment Agreement dated January 20, 2023

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2. The Corporate Debtor is undergoing corporate insolvency resolution process (hereinafter, "CIRP") under the Code vide order dated August 9, 2017 passed by the Hon'ble Adjudicating Authority, National Company Law Tribunal, Allahabad Bench in the captioned company petition wherein this Hon'ble Adjudicating Authority vide order dated November 22, 2022 has reserved I.A. No. 2836/2021 filed by the Applicant under Section 30(6) read with Section 31 of the Code seeking approval of the Resolution Plan dated June 07, 2021 read with addendum dated June 9, 2021 (hereinafter, "**Suraksha Resolution Plan**") submitted by Suraksha Realty Limited and Lakshadeep Investments and Finance Private Limited (hereinafter, "**Suraksha**") as approved by the CoC on June 23, 2021 by 98.66% of votes, along with other applications, for orders/clarifications.

3. In the meantime, IDBI Bank Ltd. acting as lenders' agent of the consortium lenders vide Letter of Intimation dated January 21, 2023 informed the Applicant that the financial creditors of the Corporate Debtor, as detailed below, have assigned their respective facilities granted to the Corporate Debtor to National Asset Reconstruction Company Limited (hereinafter, "**NARCL**") vide Joint Assignment Agreement dated January 20, 2023 (hereinafter, "**Joint Assignment Agreement**").
 - a. IDBI Bank Limited
 - b. India Infrastructure Finance Company Limited
 - c. Union Bank of India
 - d. Life Insurance Corporation of India
 - e. State Bank of India
 - f. Canara Bank
 - g. Bank of Maharashtra

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- h. IFCI Limited
- i. The Jammu & Kashmir Bank Limited

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A copy of Letter of Intimation dated January 21, 2023 as received from by IDBI Bank Ltd. is annexed herewith and marked as Annexure -1.

4. It is pertinent to mention that Regulation 28 of the CIRP Regulations provides as under:

“28. Transfer of debt due to creditors.

(1) In the event a creditor assigns or transfers the debt due to such creditor to any other person during the insolvency resolution process period, both parties shall provide the interim resolution professional or the resolution professional, as the case may be, the terms of such assignment or transfer and the identity of the assignee or transferee.

(2) The resolution professional shall notify each participant and the Adjudicating Authority of any resultant change in the committee within two days of such change.”

5. The Applicant vide email dated January 24, 2022 requested IDBI Bank Ltd. for a copy of the Joint Assignment Agreement executed between the consortium lenders (excluding ICICI Bank Ltd.). A copy of email dated January 24, 2023 from the Applicant is annexed herewith and marked as Annexure -2.
6. IDBI Bank Ltd. vide email dated January 24, 2023 provided the copy of the Joint Assignment Agreement. A copy of Joint Assignment Agreement dated January 20, 2023 is annexed herewith and marked as Annexure -3.
7. Perusal of the Joint Assignment Agreement dated January 20, 2023 (hereinafter, “**Joint Assignment Agreement**”) evidences that the financial creditors of the Corporate Debtor as mentioned in para 3 above, forming part

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of the CoC constituted under Section 21 of the Code, have assigned the facilities sanctioned to the Corporate Debtor under Financing Documents (*As detailed in Annexure I of the Joint Assignment Agreement*) together with all its rights, title and interest in the financing Documents and any underlying Security Interests, pledges and/ or guarantees in respect of such loans (hereinafter, “**Assignment**”) in favour of NARCL.

8. In terms of the requirement under Regulation 28(2) of the CIRP Regulations, the Applicant as the Interim Resolution Professional of the Corporate Debtor is required to notify each participant and this Hon’ble Adjudicating Authority of the resultant change in the composition of the CoC of the Corporate Debtor.
9. Pursuant to the aforesaid Assignment of facilities by the consortium lenders excluding ICICI Bank Ltd., NARCL has stepped into the shoes of the aforementioned lenders as the financial creditor of the Corporate Debtor and thus stands substituted in place of them in the CoC of the Corporate Debtor constituted under Section 21 of the Code. Accordingly, the revised composition of the CoC of the Corporate Debtor as on January 25, 2023 is as under:

S.No.	Financial Creditors	Claim Filed				
		Count	Principal Amount	Interest Amount for the purpose of Voting Share Calculation	Total Amount	Voting Share
1	Active Home Buyers	18,767	8,676	3,296	11,972	52.93%
2	Home Buyers - Cancelled & Refunds Pending	413	64	23	87	0.39%

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3	Home Buyers - OOP Issued	1,410	528	220	748	3.31%
4	Fixed Deposit Holders	917	29	-	29	0.13%
5	Banks/ Financial Institutions	4	9,783	-	9,783	43.25%
5.1	National Asset Reconstruction Company Ltd (NARCL)	1	9,234		9,234	40.82%
5.2	ICICI Bank Limited	1	304		304	1.34%
5.3	Axis Bank Limited	1	218		218	0.96%
5.4	SREI Equipment Finance Limited	1	27		27	0.12%
	Total	21,511	19,080	3,539	22,619	100.00 %

10. In view of the aforesaid, the Applicant is filing the present application for the limited purpose of notifying this Hon'ble Adjudicating of the aforementioned resultant change in the CoC of the Corporate Debtor pursuant assignment of facilities vide the Joint Assignment Agreement in compliance of requirement under Regulation 28(2) of the CIRP Regulations.

11. The present application is being filed bonafide in good faith and in the interest of justice.

PRAYER

In view of the above facts and circumstances, it is most humbly prayed that this Hon'ble Adjudicating Authority may be pleased to:

- a) Allow the present application;

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- b) Take on record the resultant change in the CoC of the Corporate Debtor as on January 25, 2023;
- c) Pass such other or further order as may be deemed fit and proper.

Anuj Jain

APPLICANT
MR. ANUJ JAIN
INTERIM RESOLUTION PROFESSIONAL
JAYPEE INFRATECH LIMITED

Anuj Jain
IBBI/PA-001/IP-P00142/2017-2018/10306

Filed through:

Ruchika

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DATE: 02.02.2023

PLACE: NEW DELHI