

ITEM NO.101

COURT NO.13

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 1632-1634/2022

PIRAMAL CAPITAL AND HOUSING FINANCE LIMITED
(FORMERLY KNOWN AS
DEWAN HOUSING FINANCE CORPORATION LIM

Appellant(s)

VERSUS

63 MOONS TECHNOLOGIES LIMITED) & ORS.

Respondent(s)

([GROUP MATTER] [TOP OF THE BOARD])

(IA No. 74701/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 28948/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 74697/2022 - INTERVENTION APPLICATION, IA No. 37160/2022 - INTERVENTION APPLICATION, IA No. 77444/2022 - INTERVENTION APPLICATION, IA No. 133722/2022 - INTERVENTION/IMPLEADMENT, IA No. 123114/2022 - INTERVENTION/IMPLEADMENT, IA No. 123094/2022 - INTERVENTION/IMPLEADMENT AND IA No. 28947/2022 - STAY APPLICATION)

WITH

C.A. No. 1707-1712/2022 (XVII)

(IA No. 35756/2022 - APPLICATION FOR PERMISSION, IA No. 31431/2023 - CLARIFICATION/DIRECTION, IA No. 30458/2022 - EX-PARTE STAY AND IA No. 30456/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 6037/2022 (XVII)

(IA No.45984/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No.204763/2022 - CLARIFICATION/DIRECTION, IA No.45985/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.204758/2022 - INTERVENTION APPLICATION, IA No.28610/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No.45983/2022 - PERMISSION TO FILE APPEAL)

C.A. No. 2989-2991/2022 (XVII)

(IA No. 77408/2022 - INTERVENTION APPLICATION, IA No. 52785/2022 - INTERVENTION APPLICATION AND IA No. 34912/2022 - STAY APPLICATION)

C.A. No. 2402/2022 (XVII)

(IA No. 51887/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 44247/2022 - STAY APPLICATION)

C.A. No. 2413-2415/2022 (XVII)

(IA No. 44817/2022 - EX-PARTE AD-INTERIM RELIEF, IA No. 162636/2023 - INTERVENTION APPLICATION, IA No. 12454/2023 - INTERVENTION/IMPLEADMENT, IA No. 166198/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 125854/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 2567/2022 (XVII)

(IA No. 47440/2022 - EX-PARTE STAY, IA No. 47436/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 47442/2022 - INTERVENTION/IMPLEADMENT)

W.P.(Cr1.) No. 156/2022 (PIL-W)

(IA No. 62654/2022 - APPROPRIATE ORDERS/DIRECTIONS AND IA No. 71547/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 2987-2988/2022 (XVII)

(IA No. 153462/2022 - APPLICATION FOR PERMISSION, IA No. 53725/2022 - EX-PARTE STAY AND IA No. 53729/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 8123-8125/2022 (XVII)

(IA No.137625/2022 - EX-PARTE AD-INTERIM RELIEF AND IA No.137626/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 3694-3695/2022 (XVII)

(IA No. 71042/2022 - EX-PARTE STAY AND IA No. 71043/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 6286/2022 (XVII)

(IA No. 103077/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 153287/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 2396/2022 (XVII)

(IA No. 185418/2023 - EXEMPTION FROM FILING O.T., IA No. 163912/2023 - INTERVENTION APPLICATION, IA No. 51892/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 44158/2022 - STAY APPLICATION)

Date : 26-09-2024 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Appellant(s) Mr. Kapil Sibal, Sr. Adv. (arguing counsel)
 Mr. Gagan Gupta, Sr. Adv. (arguing counsel)
 Mr. E. C. Agrawala, AOR

Mr. Satish Kumar, AOR

Mr. Santosh Paul, Sr. Adv. (arguing counsel)
 Ms. Misha Rohatgi, AOR

Mr. M. Yogesh Kanna, AOR

Ms. Neha Rathi, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Divyam Agarwal, AOR

M/S. Cyril Amarchand Mangaldas AOR

Mr. Rhishabh Jetley, AOR

Dr. A.M.Singhvi, Sr. Adv. (arguing counsel)
 Mr. Balbir Singh, Sr. Adv. (arguing counsel)
 Mr. Jasmeet Singh, AOR

For Respondent(s) Mr. Nakul Dewan, Sr. Adv. (arguing counsel)
 M/S. Juris Corp., AOR

Mr. Navin Pahwa, Sr. Adv. (arguing counsel)
 M/S. Cyril Amarchand Mangaldas Aor, AOR

Mr. Santosh Paul, Sr. Adv.(arguing counsel)
 Ms. Misha Rohatgi, AOR

Mr. Jasmeet Singh, AOR

Mrs. Aishwariya Bahti, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR

Mr. E. C. Agrawala, AOR

Mr. Deepak Prakash, AOR

Mr. Manu Shanker Mishra, AOR

Mr. Vedant Singh, AOR

Mr. Chand Qureshi, AOR

Mr. Parthiv K. Goswami, Sr.Adv,(arguing counsel)
 Mrs. Taruna Singh Gohil, AOR

Mr. Pranav Sachdeva, AOR

Mr. Deepak Prakash, AOR

Mr. Subhro Sanyal, AOR

Mr. A. Lakshminarayanan, AOR

Ms. Sugandha Anand , AOR

Mr. Tarun Gupta, AOR

Ms. Harsh Lata, AOR

Ms. Bharti Tyagi, AOR

Mr. Shivaji M. Jadhav, AOR

Ms. Deepanwita Priyanka, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. With the consent of the learned counsel for the parties, it was directed to hear the Appeals in three categories as per following chronology:-

Sr. No.	Name of the matter	Party/ CoC
I. <u>APPEALS RE AVOIDANCE APPLICATIONS</u>- Impugned Order dated 27.01.2022 passed by the Hon'ble NCLAT in Company Appeal (AT) (Ins) No. 454-455 and 750 of 2021 in relation to treatment of recoveries from the avoidance applications provided under the approved Resolution Plan by Piramal Capital & Housing Finance Limited in the insolvency of Dewan Housing Finance Corporation Limited		
1.	Piramal Capital & Housing Finance Limited (Formerly known as Dewan Housing Finance Corporation Limited) v 63 Moons Technologies Limited and Ors. [<u>Civil Appeal Nos.1632-1634 of 2022</u>]	Respondent No.3
2.	Union Bank of India v 63 Moons Technologies Limited and Ors [<u>Civil Appeal Nos.2989-2991 of 2022</u>]	Union Bank of India (acting on behalf of itself, Bank of India, Bank of Baroda, Punjab National Bank, Canara Bank, Central Bank of India)/ Respondent No.4

3.	63 Moons Technologies Limited v Piramal Capital and Housing Finance Corporation Limited (Formerly known as Dewan Housing Finance Corporation Limited) & Ors [<u>Civil Appeal Nos.3694-3695 of 2022</u>]	Respondent No.3
II. APPEALS BY FD HOLDERS / NCD HOLDERS- (a) Impugned Order dated 27.01.2022 passed by the Hon'ble NCLAT in Company Appeal (AT) (INS) No. 506, Company Appeal (AT) (INS) No. 507, and Company Appeal (AT) (INS) No.516 of 2022; (b) Impugned common order dated 27.01.2022 passed by Hon'ble NCLAT in Company Appeal (AT) (INS) No. 759 of 2021 and Company Appeal (AT) (INS) No. 760 of 2021; (c) Impugned Order dated 07.02.2022 passed by Hon'ble NCLAT in Company Appeal (AT) (Ins) No. 538 of 2021; (d) Impugned Order and Judgment dated 04.02.2022 in Company Appeal (AT) (Ins) No. 90 of 2021 challenging the payment made to the FD Holders/NCD Holders under the approved Resolution Plan by Piramal Capital & Housing Finance Limited		
1.	Raghu KS and Ors. v Piramal Capital and Housing Finance Limited & Ors [<u>Diary No. 6037 of 2022</u>]	Respondent No.2
2.	Vinay Kumar Mittal & Ors. V. Dewan Housing Finance Corporation Ltd. & Ors [<u>Civil Appeal Nos.2413-2415 of 2022</u>]	Respondent No.3
3.	Uttar Pradesh State Power Sector Employees Trust v Dewan Housing Finance Corporation Limited & Anr; Uttar Pradesh State Power Corporation Contributory Provident Fund Trust v. Dewan Housing Finance Corporation Limited and Anr. [<u>Civil Appeal No.2396 of 2022 & Civil Appeal No.2402 of 2022</u>]	Respondent No.2
4.	Senbagha Vivek A. & Anr v Dewan Housing Finance Corporation Ltd. & Anr. [<u>Diary No.11104 of 2022/Civil Appeal Nos.8213-8215 of 2022</u>]	Respondent No.3
5.	TDHC India Limited Employee Fund v The Administrator, Dewan Housing Finance Corporation Ltd. [<u>Civil Appeal No.6286 of 2022</u>]	CoC is not a party
III. APPEALS BY EX PROMOTERS- (a) Impugned Order dated 14.02.2022 passed in Company Appeal (AT) (Ins) No. 539 of 2021 approving the Resolution Plan; (b) Impugned Order dated 27.01.2022 passed in Company Appeal (AT) (Ins) No. 785 of 2020 and 647 of 2021 holding that the Appellant does not have the right to attend CoC meetings or get a copy of the Resolution Plan approved		

by the CoC; (c) Impugned Order dated 27.01.2022 passed in Company Appeal (AT) (Ins) No. 370 of 2021, 376-377 of 2021, 393 of 2021 which set aside the order directing CoC to consider and vote on the second settlement proposal submitted by Appellant		
1.	Kapil Wadhawan v R. Subramaniakumar and Ors. [<u>Civil Appeal Nos.1707-1712 of 2022</u>]	Respondent No.2
2.	Piramal Capital and Housing Finance Limited (Formerly known as Dewan Housing Finance Corporation Limited) v Dheeraj Wadhawan and Anr. [<u>Civil Appeal Nos.2987-2988 of 2022</u>]	CoC is not a party
3.	Dheeraj Wadhawan v The Administrator [<u>Civil Appeal No.2567 of 2022</u>]	CoC is not a party
IV. WRIT PETITION SEEKING INVESTIGATION INTO THE CIRP OF DHFL		
1.	K. Satyavrat v Central Bureau of Investigation and Ors. [<u>Writ Petition (CrI) No.156 of 2022</u>]	

2. Today, the arguments in the first category of Appeals, i.e., “Appeals Re Avoidance Applications” being Civil Appeal Nos.1632-1634 of 2022; Civil Appeal Nos.2989-2991 of 2022 and Civil Appeal Nos.3694-3695 of 2022 have been concluded.

3. In these sets of Appeals, the learned senior counsel, Mr. Tushar Mehta, Mr. Navin Pahwa and Dr. A.M. Singhvi with Mr. Balbir Singh have been heard for the respective appellants and learned senior counsel, Mr. Santosh Paul and Mr. Nakul Dewan have been heard for the respective respondents. They may submit their brief notes of submissions within one week.

4. All impleadment/intervention applications filed by the applicants in the above Appeals (Civil Appeal Nos.1632-1634 of 2022; Civil Appeal Nos.2989-2991 of 2022 and Civil Appeal Nos.3694-3695 of 2022) are rejected, the applicants being not the party either before the NCLT or NCLAT.

5. List the Appeals mentioned in the second category, i.e., "Appeals by FD Holders/NCD Holders" being Diary No.6037 of 2022; Civil Appeal Nos.2413-2415 of 2022; Civil Appeal No.2396 of 2022; Civil Appeal No.2402 of 2022; Civil Appeal Nos.8213-8215 of 2022 and Civil Appeal No.6286 of 2022 for hearing of the arguments, on 03.10.2024.

(RAVI ARORA)
COURT MASTER (SH)

(MAMTA RAWAT)
COURT MASTER (NSH)