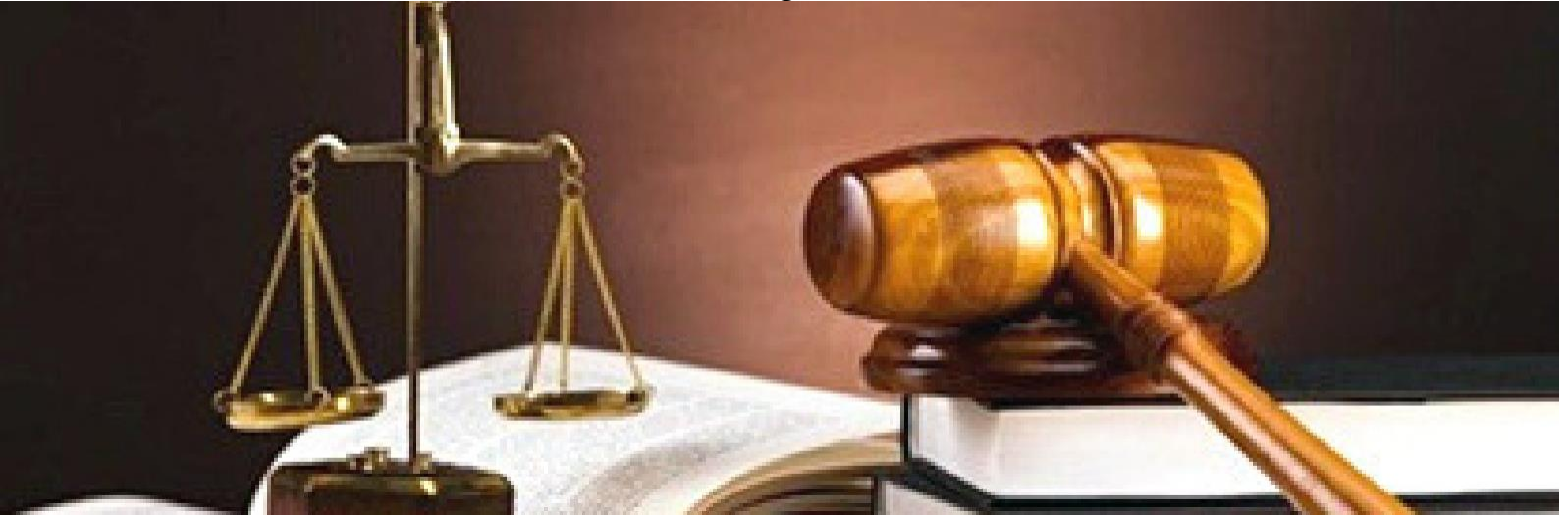


# IBC DOSSIER

Bulletin on Landmark Judgments under IBC, 2016



## Tata Steel BSL Ltd. Vs. Varsha & Anr

### **Brief Facts**

The trial court refused application by the petitioner to dismiss the suit as the Plaintiff in front of trial court had already applied for claim under the CIRP process initiated against CD/petitioner as an OC and the resolution plan included amount to OCs. The resolution plan did include a stipulated amount to paid to the OCs but the claim of the OC was earmarked as sub-judice.



INSOLVENCY PROFESSIONAL AGENCY  
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA

## **Decision**

When the resolution plan itself states that the dues payable to a creditor shall be based on the result of the suit i.e. sub-judice claim then section 63 and 238 shall not stop the Civil Court from having jurisdiction. **[Para 28]**

## **Link of the Order**

<https://ibbi.gov.in/uploads/order/38e0e2382f3e0a4eca5f6da71e3ac356.pdf>



**INSOLVENCY PROFESSIONAL AGENCY  
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA**