

# IBC DOSSIER

Bulletin on Landmark Judgments under IBC, 2016



## Jaiprakash Associates Ltd & Anr vs. IDBI Bank Ltd. & Anr.

### **Brief Facts**

The present case comes from appeals arising out of the order of the NCLAT in which it admitted the application of IDBI bank to exclude from CIRP for Jaypee Infra the period of approximately 8 months beyond the stipulated 270 days. In the meanwhile, the Supreme Court gave judgement in writ petition titled Chitra Sharma vs. Union of India where the apex court ordered fresh initiation of CIRP. According the IRP appointed collated claims which came to show that homebuyers had around 62.3% of the CoC. As the homebuyers are large in number they are to be represented by an Authorised Representative. The procedure for voting for the homebuyers so as to instruct the Authorised Representative remained in doubt so the homebuyers approached NCLT to through application to clarify the same. The Time taken by NCLT to resolve this doubt was prayed to be added by the Respondent. The NCLAT complied with the same and hence the Appellants have come in appeal.

## **Decision**

- a.** It was held that an NCLAT judgement could be modified so as to extend the CIRP process under the Plenary power of the Supreme Court under Article 142 of the Constitution. **[Para 11]**
- b.** The CD was revived using such plenary power and the CIRP process was extended by 90 days from the date of the judgement. **[Para 18]**

## **Link of the Order**

<https://ibbi.gov.in/uploads/order/7bcff1f6a8a538c4df2ed71a927d9eab.pdf>



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