**S.No.02**

**IN THE NATIONAL COMPANY LAW TRIBUNAL**
**HYDERABAD BENCH – II**
**VC AND PHYSICAL (HYBRID) MODE**
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
**08.09.2026 AT 10:30 A.M.**

**IA (IBC) 1787 of 2024 & IA (IBC) 365 of 2026 in**
**Company Petition IB/148/7/HDB/2021**
**U/s 7 of IBC**

**IN THE MATTER OF:**
**SREI Equipment Finance Ltd** **…Petitioner/s**

**Vs**
**Viom Infra Ventures Ltd.** **…Respondent**/s

**C O R A M:-**
**SHRI. RAJEEV BHARDWAJ, HON'BLE MEMBER (JUDICIAL)**
**SHRI. SANJAY PURI, HON'BLE MEMBER (TECHNICAL)**

**O R D E R**

**IA (IBC) No.1787/ 2024**

Present: Ms. Neha Bhupathiraju, Ld. Counsel for the Respondent No.2.

Mr. VVSN Raju, Ld. Counsel for the Respondent No.3.

Ms. Shreya Jain, Ld. Counsel for the Liquidator.

**Orders pronounced, recorded vide separate sheets.**

**In the result, this application is dismissed.**

**IA (IBC)/365/2026**

Present: Ms. Neha Bhupathiraju, Ld. Counsel for the Respondent No.2.

Mr. VVSN Raju, Ld. Counsel for the Respondent No.3.

Ms. Shreya Jain, Ld. Counsel for the Liquidator.

**Orders pronounced, recorded vide separate sheets.**

**In the result, this application is dismissed.**

Sd/- Sd/-
**MEMBER(T)** **MEMBER(J)**

**IN THE NATIONAL COMPANY LAW TRIBUNAL**
**HYDERABAD BENCH - II**

**IA (IBC) No. 365 of 2026 in**
**CP (IB) No.148/07/HDB/2021**

**In the matter of**

**M/S. SREI EQUIPMENT FINANCE LIMITED, FINANCIAL CREDITOR**
**vs**
**M/S. VIOM INFRA VENTURES LIMITED, CORPORATE DEBTOR**

**Between**:

M/s A2Z Infraservices Limited,
Regd Office : O-116, First Floor,
DLF Shopping Mall, Arjun Marg,
Gurgaon,
Haryana – 122 002.

.... Applicant

**And**

1. M/s Jitendra Lohia,
   Liquidator for
   Viom Infra Ventures Limited,
   Klass Insolvency Resolution Professionals
   Private Limited,
   2/7 Sarat Boase Road,
   Vasundhara Building, 2nd Floor,
   Kolkata – 700 020.

2. Viom Infra Ventures Limited,
   (In Liquidation)
   NAC Campus, NAC Road,
   Cyberabad, Kondapur Post,
   Hyderabad – 500 032.

3. Srei Equipment Finance Limited,
   Vishwakarma 86C, Topsia Road (South),
   Kolkata – 700 046.

4. Hemant Kanoria,
   32 Q New Road Alipore,
   Kolkata,
   West Bengal – 700 027.

5. Sunil Kanoria,
   32 Q New Road Alipore,
   Kolkata,
   West Bengal – 700 027.

6. Manoj Kumar Beriwal,
Ideal Villas, Villa-95,
Thakdari Road, Near Aquatica,
Thakdari, New Town,
North 24 Parganas,
West Bengal – 700 156.

7. Yogesh Kajaria,
Amarjyoti, 10 Belvedere Road,
Near Bhawani Bhawan,
Alipore H.O., Alipore,
Kolkata,
West Bengal – 700 027.

8. M/s Dickey Alternative Investment Trust,
Ground Floor, Block B, DLF Building No. 5,
DLF Cyber City, Phase 3,
Gurugram – 122 001.

.... Respondents

**Date of Order : 08.09.2026**

**CORAM**:

Sri Rajeev Bhardwaj, Hon'ble Member (Judicial)

Sri Sanjay Puri, Hon'ble Member (Technical)

**Counsel present**:

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|---|---|---|
| For the Applicant | : | Mr Sudhir K Makkar, Ld Senior Counsel along with Mr Naman Singh Bagga, Mr Arbaaz Hussain, Ms Saumya Gupta and Mr Kashish Mathur |
| For the Respondent 1 | : | Mr Shaunak Mitra & Ms Shreya Jain |
| For the Respondent 2 | : | Mr Pavan Kumar Rao, Mr Abhishek Anand and Ms Neha Bhupathiraju |
| For the Respondent 3 | : | Mr VVSN Raju |
| For the Respondent 8 | : | Mr Arjun Syal & Mr Rohit Kumar |

1. The present Application has been filed by A2Z Infraservices Limited under Section 65 of IBC[1] ("**the Code**"), alleging fraudulent and

[1] Insolvency and Bankruptcy Code, 2016

malicious initiation and continuation of the CIRP[2] and liquidation proceedings of Viom Infra Ventures Limited ("**Viom**"), the Corporate Debtor ("**CD**").

2. The Applicant seeks declarations that: (i) the CIRP was fraudulently and maliciously initiated by SREI Equipment Finance Limited ("**SEFL**") for a purpose other than resolution of insolvency; (ii) the Section 7 Application was vitiated because SEFL was a related party of the CD; (iii) SEFL was not entitled to participate or vote in the CoC[3] or the SCC[4]; and (iv) all actions taken during the CIRP and liquidation are non-est and void ab initio. The Applicant further seeks penal action under Section 65(2) against SEFL, the CD and other persons, and initiation of disciplinary proceedings against the Liquidator.

3. The CD was admitted into CIRP by order dated 23.09.2021 on an application filed by SEFL under Section 7 of the Code. The Applicant lodged its claim before the Resolution Professional on 19.10.2021, which was rejected on 09.11.2021. The CD was thereafter ordered to be liquidated on 10.01.2023. The Applicant's claim lodged before the Liquidator was also rejected on 18.03.2023.

4. During liquidation, the CD was sold as a going concern to Dickey Alternative Investment Trust ("**DAIT**"), acting through its fund manager, Dickey Asset Management Private Limited ("**DAMPL**"). The Sale Certificate was issued on 03.07.2024, and the sale was subsequently implemented pursuant to the order dated 03.02.2025 passed in IA No. 1947 of 2024.

[2] Corporate Insolvency Resolution Process
[3] Committee of Creditors
[4] Stakeholders' Consultation Committee

**Overlap with IA No. 1787 of 2024**

5. Before filing the present Application, the Applicant had filed IA No. 1787 of 2024 challenging the liquidation and the auction sale on substantially the same factual allegations. The Applicant itself states in the present Application that the pleadings and record in IA No. 1787 of 2024 allegedly demonstrate the fraudulent nature of the CIRP and liquidation, and that the present Application has been filed "to obviate any technical objection" and "to rule out the possibility of any objection at a later stage".

6. IA No. 1787 of 2024 and the present Application therefore proceed substantially upon the same factual premises, namely: SEFL's alleged related-party status; its participation in the CoC and SCC; the BDO Report and proceedings under Section 66; the alleged flow of funds through Placid Marketing Private Limited and DH Financial Management Private Limited; the alleged ineligibility of the Auction Purchaser; and the alleged collusion or failure of due diligence on the part of the Liquidator.

**7.** By our separate order in IA No. 1787 of 2024, we have examined these matters in detail. To avoid unnecessary repetition, the findings recorded therein shall be read as forming part of the present order.

**Scope of Section 65**

8. Section 65(1) applies where a person initiates an insolvency resolution process or liquidation proceeding fraudulently or with malicious intent for a purpose other than resolution of insolvency or liquidation, as the case may be. The provision is penal in character and requires identification of the person who initiated the proceeding, the impermissible purpose for which it was initiated

and the material from which fraudulent or malicious intent may reasonably be inferred.

9. A plea under Section 65 is not necessarily excluded merely because an application under Section 7 has already been admitted. However, Section 65 is not a provision for review of the admission or liquidation order, nor can it be used as a substitute for the statutory appellate remedy. Before a penalty can be imposed, the Tribunal must form at least a prima facie opinion that the proceeding was initiated fraudulently or with malicious intent for a purpose other than that contemplated by the Code. Describing a process as "fraudulent", "collusive", "stage-managed" or "colourable" does not dispense with the requirement of pleading and proving the necessary connecting facts.

**Limitation**

10. Section 238A makes the provisions of the Limitation Act, 1963 applicable to proceedings before the Adjudicating Authority, as far as may be. In the absence of a specific period prescribed for an application under Section 65, Article 137 provides a period of three years from the date on which the right to apply accrues. Where postponement of limitation on account of fraud is invoked, the Applicant must plead when and how the alleged fraud was discovered and why it could not, with reasonable diligence, have been discovered earlier.

11. The present Application merely declares that it is "within the limitation period". It does not disclose the date on which the alleged fraud was discovered, explain the delay in approaching the Tribunal, plead the foundational facts necessary to invoke Section 17 of the Limitation Act or seek any condonation or exclusion of time.

12. The Applicant was aware of the CIRP by 19.10.2021, when it submitted its claim before the Resolution Professional. Its allegation of SEFL's related-party status is founded principally upon a public disclosure dated 04.10.2012 and the alleged historical shareholding structure. The BDO Report relied upon by the Applicant resulted in a stock-exchange disclosure dated 27.07.2022. The liquidation order was passed on 10.01.2023. The present Application was nevertheless filed only on 19.02.2026.

13. The continued pendency of CIRP or liquidation does not convert the initiation of those proceedings into a continuing cause of action under Section 65. Subsequent events may be relied upon as evidence of the purpose alleged to have existed at the time of initiation, but they do not provide a fresh period of limitation for challenging the original initiation.

14. Consequently, insofar as the Application challenges the initiation of CIRP on the basis of the alleged related-party relationship and the material available by 27.07.2022, it is beyond the period prescribed under Article 137. The challenge to the initiation of liquidation on 10.01.2023 is also beyond three years. The allegations concerning the auction sale and the order dated 03.02.2025 arose subsequently and have therefore been considered on merits. They do not, however, revive the limitation governing the challenge to the original initiation of CIRP and liquidation.

**Findings on the common allegations**

15. As held in paragraphs 52 to 58 of the order in IA No. 1787 of 2024, the material relied upon by the Applicant may indicate certain commercial or historical connections, but does not establish the ownership, management or control relationship of SEFL with the

CD, as required under Section 5(24) of the Code at the material stages. In particular, the ownership chain relied upon by the Applicant breaks at the level of Trinity Alternative Investment Managers Limited, and the underlying trust deed, investment-management agreement or other constitutive documents necessary to establish the alleged control have not been produced.

16. Also relevant is the fact that SEFL's Board was superseded by the RBI and an Administrator was appointed on 04.10.2021, following which SEFL was admitted into CIRP on 08.10.2021. These developments displaced the erstwhile management and materially weaken the allegation that such management continued to direct SEFL's conduct during the CIRP and liquidation of the CD.

17. Since SEFL's related-party status at the relevant stages has not been established, the consequential contention that its participation or voting in the CoC and SCC rendered all proceedings void is also not made out. Further, even if a financial creditor were a related party, Section 21(2) would restrict its representation, participation and voting in the CoC; it would not, merely on that account, prohibit it from filing an application under Section 7. Fraudulent or malicious purpose must therefore be separately established.

18. The allegations concerning the BDO Report and the proceedings under Section 66 have been dealt with in paragraphs 65 to 74 of the order in IA No. 1787 of 2024. The BDO Report records that the transactions "appear to be questionable" and suggests that the Administrator "may" consider classifying them as fraudulent transactions under Section 66. It does not record a conclusive finding of fraudulent trading or establish that no financial debt was owed by the CD to SEFL.

19. Proceedings under Section 66 concerning fraudulent trading and proceedings under Section 65 concerning fraudulent or malicious initiation address distinct statutory wrongs. The filing of an application under Section 66 does not, by itself, amount to an admission that SEFL's earlier Section 7 Application was fraudulently instituted.

20. The admission order dated 23.09.2021 considered and rejected the CD's objections concerning the existence and proof of debt and default. It recorded acknowledgments of debt and expressly found that financial debt and default existed. The CD's earlier opposition to the Section 7 Application cannot be treated as a judicial finding that no debt existed, nor does its subsequent reliance upon the admission order establish perjury, collusion or a knowingly false statement.

21. Similarly, for the reasons recorded in paragraphs 59 to 64 of the order in IA No. 1787 of 2024, the Applicant has failed to establish that the Auction Purchaser was a proxy of SEFL's erstwhile promoters, that SEFL financed the auction consideration or that the Liquidator colluded with the Auction Purchaser. No bank statement, agreement, management right or transactional record traces the funds relied upon by the Applicant into the Rs 20 crore consideration paid by DAIT.

22. The alleged ineligibility of the Auction Purchaser, the failure of due diligence and the supposed "backdoor entry" of the erstwhile SREI management therefore cannot constitute evidence that the CIRP or liquidation was initiated for the alleged impermissible purpose.

**Ashwath Quippo transaction**

23. The additional allegation requiring consideration in the present

Application concerns the statement recorded in the order dated 03.02.2025 that the equity shares of 'Ashwath Quippo Infraproject Private Limited' were sold to SEFL and a Letter of Intent was issued, although the transfer had not been effected in the books.

24. The Application does not explain how this transaction establishes that the CIRP initiated in September 2021, or the liquidation ordered in January 2023, was intended to confer an improper benefit upon SEFL. It does not disclose the consideration for the shares, their valuation, the process followed for the sale, the identity of any competing bidder, the nature of the alleged illegality or the financial benefit allegedly obtained by SEFL. No agreement, Letter of Intent, valuation report, auction record or other transactional document concerning the alleged sale has been produced.

25. The order dated 03.02.2025 merely records the Liquidator's submission that the shares had been sold and a Letter of Intent issued, while the transfer had not been reflected in the books. The order treats the shares as part of the excluded assets while granting directions for implementation of the going-concern sale. It does not contain any finding that the transaction was fraudulent, collusive, undervalued or intended to benefit SEFL improperly.

26. A subsequent transaction during liquidation may, in an appropriate case, constitute evidence of the purpose for which the liquidation was initiated. The necessary nexus must, however, be pleaded and established. The mere fact that the shares were proposed to be transferred to SEFL does not establish that the Section 7 Application filed in 2021, or the liquidation ordered in 2023, was initiated to facilitate that transaction. The allegation concerning Ashwath Quippo Infraproject Private Limited is

therefore bereft of the particulars and evidence required to raise a prima facie inference under Section 65.

**Penal and disciplinary reliefs**

27. Although Respondent Nos. 4 to 7 have been impleaded, the Application does not attribute to each of them any specific act in the filing of the Section 7 Application, submission of SEFL's claim, constitution of the CoC or SCC, recommendation for liquidation or conduct of the auction. Their individual roles, knowledge, intention and alleged benefits have not been particularised. Penal liability cannot be imposed collectively upon the basis of general allegations concerning the "erstwhile management".

28. Prayer E specifically invokes Section 65(2). That provision applies where a person initiates voluntary liquidation proceedings with intent to defraud. The liquidation of the CD was ordered under Section 33 following its CIRP; it was not a voluntary liquidation under Section 59. Section 65(2) is therefore inapplicable. Even if Prayer E is treated as seeking action under Section 65(1), no prima facie case satisfying its statutory ingredients has been established.

29. The prayer seeking disciplinary proceedings against the Liquidator is founded upon the same allegations concerning SEFL's related-party status, the eligibility of the Auction Purchaser and the alleged absence of due diligence. Those foundational allegations have been rejected in the order in IA No. 1787 of 2024. No independent material establishing professional misconduct by the Liquidator has been placed before us. No direction for initiation of disciplinary proceedings is therefore warranted. This shall not, however, prevent the IBBI from acting independently in accordance with law upon any complaint or material properly placed before it.

**Conclusion**

30. On a cumulative consideration of the material, the Applicant has failed to establish that SEFL was a related party of the CD at the material stages; that SEFL's erstwhile promoters continued to direct its conduct after the appointment of the RBI Administrator; that the Auction Purchaser was financed or controlled by SEFL; that the debt adjudicated in the admission order was fictitious; or that the Ashwath Quippo transaction formed part of a pre-arranged scheme for which the CIRP or liquidation was initiated.

31. The present Application substantially reproduces the allegations considered and rejected in IA No. 1787 of 2024. The additional allegation concerning Ashwath Quippo Infraproject Private Limited does not supply the missing factual or evidentiary nexus. We are therefore unable to form even a prima facie opinion that the CIRP or liquidation was initiated fraudulently or with malicious intent for a purpose other than that contemplated under the Code.

32. Consequently:

- Prayers A and B, seeking declarations that the CIRP and the Section 7 Application were fraudulently or maliciously initiated, are rejected;
- Prayer C, challenging SEFL's participation and voting in the CoC and SCC, is rejected;
- Prayer D, seeking to declare all actions in the CIRP and liquidation non-est and void ab initio, is rejected;
- Prayer E, seeking action and penalties under Section 65(2), is rejected, both because the provision is inapplicable and because no prima facie case under Section 65(1) has been established;

- Prayer F, seeking initiation of disciplinary proceedings against the Liquidator, is rejected; and
- no ground is made out for granting any further relief under Prayer G.

IA No. 365 of 2026 is accordingly dismissed.

**Sd/-**
**(SANJAY PURI)**
**MEMBER (TECHNICAL)**

**Sd/-**
**(RAJEEV BHARDWAJ)**
**MEMBER (JUDICIAL)**

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