IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI

COURT - IV

IVN.P.(IB) No. 172 of 2025
IA(IB) No. 3054 of 2025 &
IA(IB) No. 3091 of 2025
IN
C.P. (IB) No. 1164/MB/2021

[*Under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016*.]

IVN.P.(IB) No. 172 of 2025

Venkatavarathan Narasimhan Iyengar
(Suspended Director of Somerset Constructions Private Limited)

…Intervenor

V/s.

Committee of Creditors of Somerset Constructions Private Limited

…Respondent

IA(IB) No. 3054 of 2025

Committee of Creditors of Somerset Constructions Private Limited

…Applicant

V/s.

Unity Small Finance Bank Limited

…Respondent

IA(IB) No. 3091 of 2025

Mr. Snehal Kamdar
(Resolution Professional of Somerset Constructions Private Limited)

…Applicant

In the matter of

Unity Small Finance Bank Limited

…Financial Creditor

V/s.

IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI
COURT - IV

IVN.P.(IB) No. 172 of 2025
IA(IB) No. 3054 of 2025 &
IA(IB) No. 3091 of 2025
IN
C.P. (IB) No. 1164/MB/2021

Somerset Constructions Private Limited

…Corporate Debtor

Order Pronounced on **13.10.2026**

Coram:

SHRI ANIL RAJ CHELLAN
HON'BLE MEMBER (TECHNICAL)

SHRI K.R. SAJI KUMAR
HON'BLE MEMBER (JUDICIAL)

Appearances	***:***	***Hybrid***
For RP	:	Adv. Rohit Gupta a/w Adv. Rubina Khan and Adv. Parth Shah.
For CoC	:	Adv. Gaurav Joshi, Adv. Prateek Ratewa, Adv. Pratiksha Vdeshi, Adv. Sarvesh Agarwal i/b Cygnus Legar
For Intervener	:	Adv. Rohan Agarwal a/w Adv. Darshit Dave.

COMMON ORDER

1. Background

1.1 The Interlocutory Application No. 3054 of 2025 was filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (IBC/Code), read with Rule 11 of the National Company Law Tribunal Rules, 2016, by the Committee of Creditors (CoC) of Somerset Constructions Private Limited (Corporate Debtor), seeking extension of Corporate Insolvency Resolution Process (CIRP) period and permission to rerun of the Corporate Insolvency Resolution Process (CIRP).

1.2 Pursuant to the filing of the aforesaid application, one of the Suspended Directors of the Corporate Debtor, namely, Mr. Venkatavarathan Narasimhan Iyengar (Intervenor), filed an Intervention Petition bearing

IVN.P. No. 172 of 2025, *inter alia,* challenging the legality and maintainability of IA No. 3054 of 2025.

1.3 Subsequently IA No. 3091 of 2025 filed by Mr. Snehal Kamdar, Resolution Professional (RP) of the Corporate Debtor, seeking extension of the CIRP timelines and permission to conduct the CIRP afresh.

1.4 The Corporate Debtor was admitted into CIRP by an order dated 25.07.2023, passed by this Tribunal in CP (IB) No. 1164 of 2021, filed by Unity Small Finance Bank Limited, and Mr. Snehal Kamdar was appointed as the Resolution Professional of the Corporate Debtor.

1.5 Pursuant to the commencement of CIRP, the RP issued Form A dated 27.07.2023, inviting claims from the creditors of the Corporate Debtor. A claim was received from Unity Small Finance Bank Limited on 08.08.2023. Upon verification and admission of the said claim, the CoC was constituted with Unity Small Finance Bank Limited as its sole member, holding 100% voting share.

1.6 At the 6th meeting of the CoC held on 15.05.2024, four Resolution Applicants who had submitted their Resolution Plans were invited for discussions and deliberations in respect of their respective Resolution Plans.

1.7 Subsequently, revised bids were received from the Resolution Applicants. At the 7th meeting of the CoC held on 10.07.2024, the revised bids submitted by the four Resolution Applicants were discussed and deliberated upon.

1.8 A Deed of Assignment dated 29.03.2025 was executed between Unity Small Finance Bank Limited and CFM Asset Reconstruction Private Limited (CFM), pursuant to which the debt of Unity Small Finance Bank Limited was

assigned to CFM Asset Reconstruction Private Limited. Consequently, the composition of the CoC stood reconstituted.

1.9 The details of the extension applications filed by the RP is tabulated hereunder:

I.A. No.	Relief Sought	Status
1614 of 2024	Extension of 90 days beyond 180 days from 22.01.2024 to 21.04.2024.	Allowed *vide* Order dated 08.05.2024.
4533 of 2024	Extension of 90 days from 22.04.2024 to 20.07.2024.	Disposed of as withdrawn on 01.10.2024.
4567 of 2024	Extension of 90 days from 21.07.2024 to 18.10.2024.	Disposed of as withdrawn on 03.10.2024.
943 of 2025	Extension of 180 days from 22.04.2024 to 17.10.2024.	Disposed of as Infructuous on 12.06.2026.
1025 of 2025	Extension of 180 days from 17.10.2024 to 17.04.2025.	Disposed of as Infructuous on 12.06.2026.
2801 of 2025	Extension of 60 days from 22.04.2024 to 01.09.2025.	Disposed of as Infructuous on 12.06.2026.

1.10 At the 15th meeting of the CoC dated 03.06.2025, it was resolved to seek permission of this Tribunal for extension of the CIRP timeline and to conduct the CIRP afresh for the period commencing from 22.04.2024 and extending till 01.09.2025.

1.11 Since these Applications arise from the same set of facts, and the reliefs sought in the Applications are interconnected, we consider it appropriate to dispose of these Applications by this Common Order.

2 Submissions of Committee of Creditors (CoC)

2.1 The CoC submits that the Application has been filed seeking extension of the CIRP period by 497 days, i.e., from 22.04.2024 till 01.09.2025, along with permission to re-conduct the CIRP from the stage of publication of a fresh Form G.

2.2 It is submitted that the Corporate Debtor was admitted into CIRP *vide* order dated 25.07.2023 passed by this Tribunal in CP (IB) No. 1164 of 2021. Initially, Unity Small Finance Bank Limited was the sole Financial Creditor and constituted the entire CoC with 100% voting share. Subsequently, pursuant to a Deed of Assignment dated 29.03.2025, Unity Small Finance Bank Limited assigned the financial debt of the Corporate Debtor to CFM Asset Reconstruction Private Limited (CFM), acting as trustee on behalf of CFM ARC Trust. Consequently, the CFM became the sole member of the CoC with 100% voting share.

2.3 It is submitted that, during the CIRP, Form G was initially published and subsequently revised. Expressions of Interest were received from several Prospective Resolution Applicants, pursuant to which four Resolution Plans came to be submitted. The said plans were thereafter discussed, negotiated and revised at various meetings of the CoC.

2.4 The CoC submits that, during the pendency of the CIRP, various applications seeking extension of the CIRP period came to be filed. IA No. 4533 of 2024, seeking extension from 22.04.2024 to 20.07.2024, was withdrawn. Similarly, IA No. 4567 of 2024, seeking a further extension from 21.07.2024 to 18.10.2024, was also withdrawn with a view to filing a composite application seeking the requisite extensions along with

condonation of delay. Thereafter, three more Applications seeking extension of the CIRP period till 01.09.2025 were filed. However, the said Applications were disposed of as having become infructuous in view of the present extension Applications.

2.5 It is further submitted that, upon assignment of the debt and constitution of the new CoC, the Applicant was required to acquaint itself with the history and status of the CIRP as well as the Resolution Plans received during the tenure of the erstwhile CoC. The CoC submits that it had not participated in the earlier stages of the CIRP and, therefore, required adequate opportunity to examine the Resolution Plans and take an informed decision thereon.

2.6 The CoC submits that, upon reviewing the Resolution Plans received during the CIRP, it was not inclined to proceed with the existing plans. According to the CoC, the Resolution Plans offered values which were inadequate and did not reflect the true or intrinsic value of the assets of the Corporate Debtor. It is further contended that the plans offering less than Rs.150 Crore were below the liquidation value and substantially lower than the market value of the assets of the Corporate Debtor.

2.7 The CoC further submits that, after acquiring the financial debt and becoming the sole member of the CoC, it undertook market research and received binding commitments and expressions of interest from third parties indicating the possibility of Resolution Plans in the range of approximately Rs.180 Crore to Rs.200 Crore. According to the CoC, these indications demonstrate the existence of a possibility of substantially higher recovery and value maximisation than that available under the Resolution Plans received during the earlier process.

2.8 It is submitted that the newly constituted CoC considered the possibility of liquidation but was not inclined to proceed with the liquidation of the Corporate Debtor. The CoC also considered the possibility of re-running the

CIRP and, after obtaining legal opinion, resolved that the appropriate course of action would be to seek permission of this Tribunal to extend the CIRP period and conduct the CIRP afresh from the stage of publication of Form G.

2.9 The CoC submits that the decision to seek a fresh process was taken with a view to maximising the value of the Corporate Debtor and securing a better recovery for the Financial Creditor. It is contended that if a fresh Form G is permitted to be issued, fresh and commercially viable Resolution Plans may be received, thereby enabling a successful resolution of the Corporate Debtor.

2.10 The CoC submits that the object of the Code is resolution and revival of the Corporate Debtor and not liquidation. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Swiss Ribbons Private Limited v/s. Union of India & Ors.,* [(2019) 4 SCC 17], to contend that the primary objective of the Code is the revival and continuation of the Corporate Debtor. The CoC submits that, if the extension and re-conduct of the CIRP are not permitted, the Corporate Debtor may be pushed into liquidation, which would be detrimental to the interests of the stakeholders.

2.11 CoC further relies upon *Committee of Creditors of Essar Steel India Limited v/s. Satish Kumar Gupta & Ors.,* [(2020) 8 SCC 531], to contend that, where extension of time is required for achieving resolution and avoiding liquidation, the prescribed CIRP timelines may be extended in appropriate circumstances. The Applicant submits that the timelines prescribed under the Code are not intended to defeat the possibility of a viable resolution where an extension would serve the interests of the stakeholders.

2.12 Reliance is also placed upon the judgment of the Hon'ble Supreme Court *in M.K. Rajagopalan v. Dr. Periasamy Palani Gounder & Ors.,* [2023 LiveLaw (SC) 403], to contend that the CIRP and the requirements relating

to consideration and approval of a Resolution Plan must be scrupulously followed. The Applicant submits that commercial wisdom of the CoC necessarily presupposes a considered decision on the Resolution Plan in its final form. It is, therefore, contended that the newly constituted CoC ought to be afforded an opportunity to undertake the CIRP in a manner that enables it to consider commercially viable Resolution Plans and take an informed decision.

2.13 The CoC further submits that the newly constituted CoC should not be prejudiced merely because the earlier CoC was unable to achieve a resolution within the timelines. The failure of the erstwhile CoC to finalise a Resolution Plan does not, by itself, establish that the maximum realisable value of the assets of the Corporate Debtor has already been unlocked.

2.14 It is contended that there is no legal impediment to the extension of the CIRP period or to permitting the CIRP to be re conducted from the stage of publication of a fresh Form G, particularly when such exercise is intended to maximise the value of the Corporate Debtor and avoid liquidation. The Applicant submits that permission of this Tribunal is necessary for publication of a fresh Form G, since Form G had already been issued earlier and Resolution Plans had been received pursuant thereto.

2.15 In the aforesaid circumstances, the CoC prays that this Tribunal may extend the CIRP period from 22.04.2024 till 01.09.2025, aggregating to 497 days, permit the Applicant and the RP to re-conduct the CIRP, including by issuing a fresh Form G, and grant such further time as may be required for completion of the process.

3 Submissions of Resolution Professional / RP

3.1 The RP submits that the CIRP has progressed substantially since its commencement and that, pursuant to the process undertaken, four Resolution Plans were received from the Prospective Resolution

Applicants. The said plans were placed before the CoC and were subjected to discussions and negotiations. However, the process could not culminate in the approval of any Resolution Plan within the prescribed timelines.

3.2 It is submitted that, during the course of the CIRP, several applications seeking extension of the CIRP period came to be filed.

3.3 RP submits that, after the assignment of the debt by Unity Small Finance Bank Limited to CFM, the CoC was reconstituted with CFM Asset Reconstruction Private Limited as the sole member of the CoC. The RP had informed the CoC that, in view of the expiry of the CIRP timelines, a further extension would be necessary if the CoC required additional time to consider and take a decision on the Resolution Plans.

3.4 It is further submitted that, during the subsequent meetings of the CoC, the RP placed before the newly constituted CoC the available courses of action, including consideration of the existing Resolution Plans and initiation of liquidation proceedings under Section 33 of the Code. The CoC, however, indicated that it was not inclined to proceed with liquidation and expressed its desire to explore the possibility of conducting the CIRP afresh. The RP, therefore, informed the CoC that appropriate legal opinion would be required before any such course could be adopted.

3.5 RP submits that, pursuant to the legal opinion obtained and placed before the CoC, it was resolved in the 15th meeting of the CoC that the appropriate course would be to approach this Tribunal seeking extension of the CIRP period and permission to conduct the CIRP afresh from the stage of publication of Form G. The CoC accordingly authorised both the RP and the CoC to initiate the necessary proceedings before this Tribunal.

3.6 The RP further submits that he has been informed by the sole CoC member that, upon conducting independent market research, it has received interest

from third parties indicating the possibility of substantially higher realisation from the assets of the Corporate Debtor than that contemplated under the Resolution Plans received during the earlier process. It is submitted that the Financial Creditor has indicated that Resolution Plans offering amounts in excess of Rs.200 Crore may be viable; however, the particulars thereof have not been placed on record on account of confidentiality.

3.7 It is submitted that the Resolution Plans which were under consideration offered amounts below Rs.150 Crore and, were below the liquidation value and substantially lower than the market value of the assets of the Corporate Debtor. The RP, therefore, submits that, if the process is permitted to be undertaken afresh, there exists a reasonable possibility of achieving better value and maximisation of recoveries.

3.8 The RP submits that, since the newly constituted CoC has expressed its dissatisfaction with the Resolution Plans available under the earlier process and has resolved to explore the possibility of conducting the CIRP afresh, the relief sought for extension of time and issuance of a fresh Form G deserves consideration.

3.9 The RP, therefore, supports the reliefs sought by the CoC and submits that the CIRP period may be extended from 22.04.2024 till 01.09.2025, aggregating to 497 days, with a further period of 120 days to enable publication of a fresh Form G and completion of the subsequent stages of the CIRP. The RP further submits that, upon grant of the aforesaid relief, the pending applications seeking extension for the intervening periods may be withdrawn, as undertaken by the Applicant.

4 Submissions of Intervenor

4.1 The Intervener, Mr. Venkatavarathan Narasimhan Iyengar, a Suspended Director of the Corporate Debtor and Applicant in Intervention Petition No. 172 of 2025, submits that he has sought intervention for the limited purpose

of opposing the relief sought in I.A. No. 3054 of 2025 insofar as the CoC seeks to rerun or restart the CIRP of the Corporate Debtor on the basis of subsequent communications received from third parties outside the statutory CIRP process.

4.2 At the outset, it is submitted that the Intervener neither espouses the cause of any individual Resolution Applicant nor seeks adjudication upon the comparative merits of the resolution plans which were earlier under consideration. The Intervener also does not seek any direction for liquidation of the Corporate Debtor. The limited objection of the Intervener is to the legality and maintainability of the course now sought to be adopted by the CoC, namely, to rerun the CIRP on the strength of informal communications received from entities which had never participated in the CIRP of the Corporate Debtor.

4.3 It is submitted that the CIRP of the Corporate Debtor was commenced pursuant to the order dated 25.07.2023. Thereafter, a public announcement was issued, the process for submission of Expressions of Interest was undertaken, and the provisional and final lists of Prospective Resolution Applicants (PRAs) were issued. The final list of PRAs was issued on 17.11.2023, pursuant to which resolution plans were received and were subjected to consideration and negotiations.

4.4 The CIRP period expired on 21.04.2024. The resolution plans which were under consideration had already undergone evaluation and several rounds of negotiations before the erstwhile CoC. Subsequently, the debt of the erstwhile Financial Creditor, Unity Small Finance Bank Limited, came to be assigned to CFM Asset Reconstruction Private Limited on 29.03.2025, which was thereafter inducted as the sole member of the CoC on 02.05.2025.

4.5 It is further submitted that this Tribunal, by an order dated 25.04.2025, had directed the CoC/RP to consider the pending resolution plans within ten days. However, the communications subsequently relied upon by the CoC were received from BCAD Studies Private Limited and SR Remedial Services Private Limited on 28.04.2025, i.e., more than one year after the expiry of the CIRP period. The Intervener submits that the pending resolution plans were thereafter rejected by the newly constituted CoC on 14.05.2025, and I.A. No. 3054 of 2025 has thereafter been filed seeking a rerun of the CIRP substantially on the basis of the aforesaid third-party communications.

4.6 The principal contention of the Intervener is that the communications dated 28.04.2025 cannot be treated as resolution plans in the eyes of law. It is submitted that neither BCAD Studies Private Limited nor SR Remedial Services Private Limited had participated in the CIRP at any stage. They had not submitted any Expression of Interest, were not included in either the provisional or final list of PRAs, had not undergone scrutiny under the statutory framework, and had not submitted any resolution plan in accordance with the CIRP.

4.7 According to the Intervener, a resolution plan is the outcome of a regulated and time-bound statutory process involving, *inter alia*, the issuance of Form G, submission of Expressions of Interest, determination of eligibility, preparation of the list of Prospective Resolution Applicants and submission of resolution plans within the prescribed framework. Such a process cannot be bypassed by treating informal or unsolicited communications from non-participants as equivalent to resolution plans.

4.8 It is therefore submitted that the communications relied upon by the CoC remain, at the highest, informal expressions of interest from third parties and cannot either in form or substance be elevated to the status of

resolution plans so as to furnish the basis for restarting the CIRP. The Intervener submits that permitting such a course would effectively enable the statutory process and timelines contemplated under the Code to be circumvented.

4.9 The Intervener further submits that the impugned communications were admittedly received on 28.04.2025, whereas the CIRP period had expired on 21.04.2024. Thus, the said communications were not merely belated but were wholly outside the statutory process within which the earlier resolution plans had been received, considered and negotiated.

4.10 It is submitted that the case is not one where no resolution process had taken place or where no resolution plans had been received. On the contrary, the earlier plans had remained under consideration before the predecessor CoC and had undergone several rounds of negotiations over a substantial period. In these circumstances, it is contended that the subsequent induction of CFM Asset Reconstruction Private Limited as the sole member of the CoC could not, by itself, furnish a fresh basis to reopen the CIRP.

4.11 The Intervener submits that an assignee may step into the shoes of the erstwhile Financial Creditor; however, a subsequent change in the constitution of the CoC cannot extend the CIRP timeline or confer a right to recast or reopen the statutory process in a manner otherwise not permissible under the Code. What was not permissible within the statutory framework prior to the assignment cannot become permissible merely because a different entity subsequently occupies the position of the sole member of the CoC.

4.12 The Intervener has further questioned the financial credibility of BCAD Studies Private Limited and SR Remedial Services Private Limited, whose

communications constitute the basis for the relief sought by the CoC. It is submitted that the Intervention Petition demonstrates, on the basis of the audited financial statements of the said entities, a substantial mismatch between their disclosed financial capacity and the commitments allegedly made by them.

4.13 Insofar as BCAD Studies Private Limited is concerned, it is submitted that its disclosed net worth was approximately Rs.20.01 crore and its cash and cash equivalents were approximately Rs.1.55 lakh, whereas it allegedly expressed an ability to infuse approximately Rs.180 crore. It is further submitted that the entity had no trade receivables or fixed assets and was stated to have dormant or inactive business operations. According to the Intervener, the financial disclosures do not demonstrate liquidity, capital strength or deployable resources commensurate with the commitment allegedly made.

4.14 Similarly, in respect of SR Remedial Services Private Limited, it is submitted that its disclosed net worth was approximately Rs.20.65 crore, with cash and cash equivalents of approximately Rs.1.72 crore, while it allegedly expressed an ability to infuse approximately Rs.200 crore. The Intervener submits that the entity's financial disclosures also reflected borrowings and current liabilities, with negligible trade receivables, and did not disclose any corresponding financial strength or source of funds to support such a substantial commitment.

4.15 On the aforesaid basis, the Intervener contends that the communications relied upon by the CoC are unsupported by any credible financial substratum. It is submitted that if such communications were to be relied upon as the foundation for seeking a rerun of the CIRP, the CoC ought to have undertaken demonstrable verification of the financial capacity, source of funds and implementation capability of the concerned entities. According

to the Intervener, no material demonstrating institutional backing, committed financing arrangements, banking support or availability of deployable capital has been placed on record.

4.16 It is, however, reiterated that the Intervener does not invite this Tribunal to undertake a comparative evaluation of the earlier resolution plans or to substitute its commercial wisdom for that of the CoC. The limited submission is that non-compliant and financially unsupported third-party communications, received from entities which had never participated in the CIRP, and which were received beyond the CIRP timeline, cannot lawfully constitute the foundation for rerunning the CIRP.

4.17 The Intervener further submits that the CIRP framework is intended to ensure transparency, equal treatment, structured participation and time bound resolution. The proposed course of relying upon post expiry communications from entities which never entered the CIRP is stated to be contrary to these fundamental features of the statutory framework.

4.18 In the aforesaid circumstances, the Intervener submits that the foundation of I.A. No. 3054 of 2025 is legally unsustainable. The communications relied upon therein are neither resolution plans submitted through the statutory CIRP framework nor material forming part of the process in which the earlier plans were considered. The Intervener, therefore, submits that the CoC cannot seek to justify a rerun or restart of the CIRP solely on the basis of such subsequent, extra process communications.

4.19 Accordingly, the Intervener has prayed that I.A. No. 3054 of 2025 be dismissed insofar as it seeks a rerun or restart of the CIRP on the basis of the communications dated 28.04.2025. It is further prayed that the said communications be held not to constitute resolution plans under the Code or material capable of furnishing a lawful basis for re-running the CIRP.

5 Analysis and Findings

5.1 We have heard the Ld. Counsel appearing for the parties and perused the documents on records.

5.2 The principal question which arises for consideration in the present Applications is whether, in the peculiar facts and circumstances of the present case, the CIRP of the Corporate Debtor deserves to be continued by granting the necessary extension and whether the Resolution Professional should be permitted to undertake a fresh resolution process by issuance of a fresh Form G.

5.3 The CIRP of the Corporate Debtor was commenced pursuant to the order dated 25.07.2023. Thereafter, the RP undertook the process for inviting Expressions of Interest, and the final list of PRAs was issued on 17.11.2023. Resolution Plans were thereafter received and were subjected to consideration and negotiations by the then existing CoC.

5.4 Subsequently, the debt owed to the erstwhile Financial Creditor came to be assigned to CFM Asset Reconstruction Private Limited, which was thereafter inducted as the sole member of the CoC. It is further borne out from the record that this Tribunal, by order dated 25.04.2025, directed the CoC/Resolution Professional to consider the pending Resolution Plans within the stipulated period. Thereafter, the newly constituted CoC considered the Resolution Plans available before it and resolved not to accept the same.

5.5 The CoC and RP has thereafter approached this Tribunal seeking extension of the CIRP period and permission to undertake a fresh resolution process. In support of the said relief, reliance has, *inter alia*, been placed upon communications dated 28.04.2025 received from BCAD Studies Private

Limited and SR Remedial Services Private Limited, indicating their interest in submitting proposals involving substantially higher potential pay outs and proposed infusions.

5.6 The Intervener has seriously opposed the Applications. The principal contention of the Intervener is that the aforesaid entities had not participated in the earlier CIRP, had not submitted Expressions of Interest, were not included in the final list of PRAs, and had not submitted Resolution Plans in accordance with the process undertaken by the Resolution Professional. It is, therefore, contended that the said communications cannot be treated as Resolution Plans or furnish a lawful basis for rerunning the CIRP.

5.7 The Intervener has further contended that the CIRP period had already expired on 21.04.2024 and that the communications dated 28.04.2025 were received more than one year after such expiry. It is also contended that the earlier Resolution Plans had undergone several rounds of consideration and negotiations and that a subsequent change in the constitution of the CoC cannot, by itself, constitute a ground for reopening or rerunning the entire CIRP process.

5.8 Having considered the submissions, we find substance in the contention of the Intervener to the limited extent that the communications dated 28.04.2025 cannot, by themselves, be equated with Resolution Plans submitted in accordance with the statutory framework. Admittedly, neither BCAD Studies Private Limited nor SR Remedial Services Private Limited had participated in the earlier process as PRAs, and their communications were received outside the timeline within which Expressions of Interest and Resolution Plans had earlier been invited and received. The said communications, therefore, cannot be accepted or considered as Resolution Plans simpliciter in substitution of the statutory process.

5.9 However, the aforesaid conclusion does not necessarily lead to the consequence that the possibility of a fresh and transparent process attracting better value is required to be completely disregarded. The communications in question are not proposed to be approved as Resolution Plans. Nor is this Tribunal being called upon to accept the proposals of the said entities without subjecting them to the statutory process. The relief sought by the CoC and RP is to undertake a fresh process through issuance of a fresh Form G, thereby affording an opportunity to all eligible persons to participate in accordance with the provisions of the Code and the CIRP Regulations.

5.10 The object of undertaking a fresh process, therefore, cannot be understood as granting a preferential or exclusive opportunity to BCAD Studies Private Limited or SR Remedial Services Private Limited. If a fresh Form G is issued, all interested and eligible persons would be required to participate in the process in accordance with the eligibility criteria and the terms and conditions prescribed therein. The aforesaid entities, if desirous of participating, would stand on the same footing as every other prospective applicant and would be required to satisfy all applicable requirements under the Code and the CIRP Regulations. The communications dated 28.04.2025 can neither confer upon the said entities any preferential right nor secure for them any priority in the fresh process.

5.11 We also find that it would be premature for this Tribunal to undertake a detailed examination of the financial capability, net worth or source of funds of BCAD Studies Private Limited and SR Remedial Services Private Limited at this stage. The Intervener has questioned their financial credentials and has sought to demonstrate a mismatch between their disclosed financial particulars and the amounts proposed to be infused. However, neither of the said entities has, as on date, submitted a Resolution Plan for approval before this Tribunal. Their eligibility, financial capacity, source of funds and capability to implement any Resolution Plan, if submitted pursuant to the

fresh process, would necessarily be subject to examination and due diligence in accordance with the applicable provisions of the Code and the CIRP Regulations.

5.12 Equally, this Tribunal cannot overlook the fact that the Resolution Plans received during the earlier process were considered by the CoC and were ultimately not accepted. The decision as to whether a particular Resolution Plan is commercially acceptable ordinarily falls within the domain of the commercial wisdom of the CoC. This Tribunal is not required to undertake a comparative assessment of the Resolution Plans or substitute its own commercial assessment for that of the CoC.

5.13 At the same time, the commercial wisdom of the CoC is required to operate within the framework of the Code. The CIRP cannot be permitted to remain open indefinitely, nor can the process be repeatedly reopened merely in the expectation of receiving a better proposal. The time-bound nature of the CIRP remains one of the fundamental features of the statutory scheme. Therefore, permission to undertake a fresh process cannot be granted as a matter of course.

5.14 In the present case, however, the factual circumstances are peculiar. The CIRP could not be brought to its logical conclusion within the prescribed period. The Resolution Plans received in the earlier process were ultimately not accepted by the CoC. The present Applications was filed seeking extension of the CIRP and permission to undertake a fresh process. The Application has remained pending before this Tribunal, and during such pendency, the period originally sought in the Application has itself elapsed.

5.15 The Applicants had originally sought extension of the CIRP from 22.04.2024 till 01.09.2025, aggregating to 497 days, together with a further period of 60 days for undertaking the fresh resolution process. However, as on the date

of the present Order, the period originally sought by the Applicants has already elapsed. The relief, therefore, necessarily requires to be moulded having regard to the subsequent passage of time.

5.16 Merely because the specific period originally sought in the Application has elapsed during the pendency of the proceedings cannot, by itself, render the Application infructuous. The substantive question remains is whether, having regard to the circumstances of the case and the objective of achieving a viable resolution and maximisation of value, the CIRP should be permitted to continue for a further definite period so as to enable the Resolution Professional to undertake a fresh and statutorily compliant process.

5.17 We are conscious that the substantial period which has elapsed since 22.04.2024 cannot be treated as a prospective extension in the ordinary sense. The intervening period has already elapsed, during which the CIRP remained pending and the parties pursued proceedings concerning the consideration of the Resolution Plans and continuation of the process. In these circumstances, the appropriate course would be to regularise the intervening period from 22.04.2024 till the date of the present Order, for the purpose of continuation of the CIRP, and thereafter grant a definite and final prospective period for undertaking the fresh process.

5.18 Accordingly, having regard to the peculiar facts and circumstances of the present case, we deem it appropriate to regularise the period from 22.04.2024 till 13.10.2026, being the date of the present Order, for the purpose of continuation of the CIRP. The Resolution Professional is further granted a maximum period of 120 days from 13.10.2026 to undertake and complete the fresh resolution process.

5.19 The aforesaid prospective period of 120 days shall be utilised for undertaking the fresh process, including issuance of a fresh Form G, invitation and receipt

of Expressions of Interest, preparation of the list of eligible PRAs and undertaking the subsequent stages of the resolution process in accordance with the provisions of the Code and the CIRP Regulations. The RP and the CoC shall make all endeavours to ensure that the process is completed within the said period.

5.20 The Resolution Professional shall undertake appropriate due diligence in respect of all prospective applicants and Resolution Plans received pursuant to the fresh process. The eligibility, financial capability, source of funds and capacity to implement the Resolution Plan of the concerned applicants shall be examined in accordance with the applicable provisions of the Code, the CIRP Regulations and the process documents.

5.21 Thus, while the contention of the Intervener that the communications dated 28.04.2025 cannot themselves be treated as Resolution Plans is accepted, the further contention that the CIRP cannot, under any circumstances, be continued by undertaking a fresh, open and transparent process, is not accepted in the peculiar facts of the present case. The fresh process, however, shall be undertaken strictly within the statutory framework and within the definite period granted by this Order.

5.22 In view of the foregoing discussion, and having regard to the objective of undertaking a transparent process open to all eligible participants, we are of the considered view that permitting a fresh process would be in furtherance of the objective of achieving a viable resolution and maximisation of value of the assets of the Corporate Debtor, while simultaneously ensuring that no person is afforded any preferential treatment.

5.23 Accordingly, the period from 22.04.2024 till 13.10.2026 is regularised for the purpose of continuation of the CIRP of the Corporate Debtor. The Resolution Professional is further granted a maximum period of 120 days commencing

from 27.08.2026 to undertake the fresh resolution process, including issuance of a fresh Form G, strictly in accordance with the provisions of the Code and the CIRP Regulations. No preferential right or advantage shall accrue to BCAD Studies Private Limited, SR Remedial Services Private Limited or any other person on the basis of any communication made prior to the issuance of the fresh Form G.

5.24 Accordingly, **IVN.P (IB) No. 172 of 2025** is **dismissed** and **IA (IB) No. 3054 of 2025** and **IA (IB) No. 3091 of 2025** are **allowed.**

Sd/-
ANIL RAJ CHELLAN
MEMBER (TECHNICAL)
Siddhi, LRA

Sd/-
K. R. SAJI KUMAR
MEMBER (JUDICIAL)