

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Ins.) No. 505 of 2023**

**IN THE MATTER OF:**

**State Bank of India**

**....Appellant**

**Vs.**

**Ritesh Prakash Adatiya & Ors.**

**....Respondent**

**Present:**

**For Appellant: Mr. Rajiv S. Roy, Mr. Avrojyoti Chatterjee,  
Mr. Siddharth Dhingra, Mr. Cyrilignatious, Ms.  
Jayasree Saha, Advocates**

**For Respondent: Mr. Manmeet Singh, Mr. Anugrah Robin Frey,  
Mr. Vishal Bijlani, Advocates for R-1/IRP  
Mr. Ajay Bhargava, Ms. Maithili Moondra,  
Mr. Siddhant Kumar, Advocates for Intervenor  
(Suspended Board)  
Mr. Gaurav Sethi, Mr. Abhinav Tyagi, Mr. A. Bajpai,  
Advocates for Intervenors- (Assam Majdoor Sangh)**

**O R D E R**

**24.04.2023:** Learned Counsel for the Appellant submits that on an application filed by the IRP Adjudicating Authority has passed direction to make payment of certain dues. He submits that the said direction also contains payment of dues which were due pre CIRP which was not permissible. Since the pre CIRP dues can only be dealt with under Section 53 of the IBC, 2016.

Learned Counsel for the IRP submits that nobody objected in the JLM meeting regarding the payments. The payments by IRP has to be in accordance with the IBC Code. The Adjudicating Authority could not at interim stage permit the payment to the IRP of pre CIRP dues.

Cont'd.../

We thus are of the view that order dated 29.03.2023 may be complied by the IRP, in so far as, in respect to the dues pertaining to the CIRP period, however, pre CIRP dues if not already paid shall not be paid.

Issue Notice to the Respondent through Speed Post as well as e-mail. Requisites along with process fee, if not filed, be filed within three days.

Issue notice. Learned Counsel for the IRP accepts notice. He may file Reply within three weeks. Rejoinder, if any, may be filed within two weeks.

Learned Counsel for the Assam Mazdoor Sangha seeks liberty to file a intervention application. Intervention application may be filed within a week.

List this appeal on **1<sup>st</sup> June, 2023**.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Mr. Barun Mitra]**  
**Member (Technical)**

*sa/nn*

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