

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1404 of 2024

&

I.A. No. 6157 of 2025

IN THE MATTER OF:

Surender Pal Singh Mangat

...Appellant

Versus

Oriental Bank of Commerce (Now Punjab National Bank) & Ors

...Respondents

Present:

For Appellant : Mr Gaurav Mitra, Ms Aishwarya Modi, Ms Kritika Goyal and Mr Lakshya Sachdeva, Advs. For impleadment.

For Respondents : Mr Gopal Jain, (Sr. Adv.), Ms Mayank Ratnaparakhi, Ms Priya Chauhan, for SBI, Advocates.
Mr Shivam Shukla for R3, 4 and 5, Advocates.

With

Comp. App. (AT) (Ins) No. 1405 of 2024

&

I.A. No. 6158 of 2025

IN THE MATTER OF:

Gursimran Kaur Mann

...Appellant

Versus

Oriental Bank of Commerce (Now Punjab National Bank) & Ors.

...Respondents

Present:

For Appellant : Mr Prachi Johri, Adv. Mrigangi Parul, Advocates.

For Respondents : Mr Gopal Jain, (Sr. Adv.), Ms Mayank Ratnaparakhi, Ms Priya Chauhan, for SBI, Advocates.
Mr Shivam Shukla for R3, 4 and 5, Advocates.

O R D E R

(Hybrid Mode)

16.10.2025: **Comp. App. (AT) (Ins) No. 1404 of 2024 & I.A. No. 6157**

of 2025- This order may be read in continuation with the order dated

14.10.2025 wherein the Resolution Professional was directed to file an affidavit in respect of the document shown to us on that day *qua* cane payments being transferred to the ESCROW Accounts, during the CIRP Period from 11.07.2024 till 11.10.2024.

2. Today, the Learned Counsel for the Appellant as well as the appellant are present and insist for withdrawal of this appeal but Mr. Gaurav Mitra, Advocate, appears and referred to the synopsis filed along with the appeal to show this Appeal was filed in a representative character and other farmers have already moved an application, for being transposed as appellants in the present appeal. It appears the farmers are concerned with their timely cane payments.

3. Mr. Gopal Jain, Learned Senior Counsel for the Respondent, submit the cane payments have been duly transferred in the ESCROW Account as per order dated 24.07.2024. We have also heard Mr. Shivam Shukla, Learned Counsel for the District Magistrate and Cane Commissioner and he submits a procedure needs to be followed for making payments to the farmers and as is noted in Cane Tagging Order(s) dated 31.10.2023 and 06.11.2023. The salient features of such tagging order(s) are as under:-

“1. In case of not taking approval/having Cash Credit Limit (CCL) against the total payable sugarcane price for the crushing season 2023-24 of Simbhaoli Sugars Ltd., Simbhaoli District-Hapur 85 percent share of the amount available from the sale of Sugar is earmarked for payment of cane price and cane development contribution.

2. The primary products produced in the sugar mill during the season like molasses, bagasse and press mud are also tagged for payment of sugarcane price/sugarcane development contribution

and 85 percent of the amount received from their sale is also earmarked for payment of cane price and contribution.

3. If captive use of bagasse and molasses is being done/done in the cogen and distillery established by Simbhaoli Sugars Ltd., Simbhaoli District-Hapur then amount equivalent to 85 percent of the value of molasses and bagasse will be paid from distillery/cogen. For captive use of molasses 30 percent of the value of ethanol produced from C-grade molasses in sugar mill and 55 percent of the ethanol produced from B-grade molasses will be payable in the cane price.

6. The amount generated through sale/advance from sugar/molasses/bagasses/pressmud/distillery/cogen/ethanol/sanitizer the percentage of which is fixed as above will be done by the sugar mill by opening an ESCROW Account in the bank and depositing the sugarcane price and contribution as per the percentage fixed as above will be paid to farmers by generating advice.

7. The operation of the Escrow Account of Simbhaoli Sugars Ltd. Simbhaoli District-Hapur should be jointly ensured by the occupier/General Manager of Simbhaoli Sugars Ltd, Simbhaoli District- Hapur and the District Sugarcane Officer/Nearest Senior Sugarcane Development Inspector. The process of opening an escrow account should be compulsorily completed by the date of operation of the sugar mill.

8. Under the tagging out of 85 percent of the amount tagged on the quantity of sugar produced for the payment of sugarcane price and contribution, 83 percent of the amount should be spent on the payment of sugarcane price and 02 percent of the amount should be spent on the payment of sugarcane development contribution so that equitable payment of the sugarcane price and contribution can be ensured.

9. In case there is no other option for payment of the outstanding sugarcane price of previous years, 100 percent of the sugarcane price of the previous crushing seasons will first be paid from the amount tagged for payment of sugarcane price and contribution in the crushing season 2023-24 and thereafter sugarcane price/contribution payable in the crushing season 2023-24 should be paid.”

4. It is submitted such tagging orders are issued every season and DM is strictly complying with such tagging orders. It is rather submitted by the

Resolution Professional & also by Ld. Counsel for respondent that in case this appeal is disposed of and COC is allowed to be formed, they shall follow the directions, as contained in *Para 10* of the order dated *24.07.2024*. Mr. Gaurav Mitra Advocate, also agrees to this same but seek time to obtain instructions.

5. The affidavit as required *vide* order dated *14.10.2025* has since been e-filed and the Learned Counsel(s) are carrying hard copy of the same. Let the same be filed with the Registry. List this matter along with *Diary No. 9910110/09958/2025* on **29.10.2025**.

I.A NO. 4906/2025- This is an application for Intervention filed by the Appellant.

Comp. App. (AT) (Ins) No. 1405 of 2024 & I.A. No. 6158 of 2025-

Learned Counsel for the Appellant seeks further time to argue the matter. List it on **29.10.2025**, no further adjournment shall be granted. Be listed in the category of old cases and the written arguments be filed within three days prior to the said date along with the judgment(s) be relied upon.

**[Justice Yogesh Khanna]
Member (Judicial)**

**[Ajai Das Mehrotra]
Member (Technical)**