

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(s). 1305-1306 OF 2022

**PETER BECK AND PETER
VERMOEGENSVERWALTUNG LTD.**

....APPELLANT(S)

VERSUS

**EDELWEISS ASSET RECONSTRUCTION
COMPANY LTD. & ANR. ETC.**

..RESPONDENT(S)

ORDER

We have heard learned counsel for the appellant and also the caveator for quite some time.

On the last date of hearing, we called upon the learned counsel to seek instructions as to whether the appellant is ready to comply with the order of the National Company Law Appellate Tribunal (“the NCLAT” for short) dated 05.01.2022, impugned in the instant proceedings.

Learned counsel, on instructions, submits that it is not possible

for the appellant to comply with the terms of the order passed by the NCLAT.

We are not inclined to interfere in the order impugned passed by NCLAT dated 05.01.2022. The civil appeals are accordingly dismissed.

However, we grant liberty to initiate a fresh corporate insolvency resolution process(CIRP) and take all consequential actions in furtherance thereof, in accordance with law.

Pending application(s), if any, stand disposed of.

.....**J.**
(AJAY RASTOGI)

.....**J.**
(ABHAY S. OKA)

New Delhi
February 28, 2022

ITEM NO.6 Court 13 (Video Conferencing) SECTION XVII
 S U P R E M E C O U R T O F I N D I A
 R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1305-1306/2022

PETER BECK AND PETER VERMOEGENSVERWALTUNG LTD Appellant(s)

VERSUS

EDELWEISS ASSET RECONSTRUCTION COMPANY
 LTD & ANR. ETC. Respondent(s)

(FOR ADMISSION and I.R. and IA No.21362/2022-EX-PARTE STAY and IA No.21364/2022-EXEMPTION FROM FILING AFFIDAVIT)

Date : 28-02-2022 These appeals were called on for hearing today.
 CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
 HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s) Mr. Ankur Kashyap, AOR
 Mr. Ajith Ranganathan, Adv.
 Mr. Rohit Rajershi, Adv.
 Mr. Abhay Singh, Adv.
 Mr. Aman Bajaj, Adv.

For Respondent(s) Mr. Amarjit Singh Bedi, AOR
 Mr.R. R.P. Agarwal, Adv
 Ms.Manisha Agarwal, Adv
 Ms. Vidhisha Haritwal, Adv
 Ms. Priyal Modi, Adv
 Mr. Ujjaval Kumar, Adv
 Mr.Nimish Kumar, Adv
 Mr. Varun Chandiook, Adv
 Ms. Riya Seth, Adv

Mr. Tushar Mehta, Solicitor General of India
 Mr. Bishwajit Dubey, Adv.
 Mr. Madhav V. Kanoria, Adv
 Ms. Srideepa Bhattacharyya, Adv
 Ms. Neha Shivhare, Adv.
 Ms. Nayani Agarwal, Adv.
 Mr. Rishit Vimadalal, Adv.
 M/S. Cyril Amarchand Mangaldas AOR

UPON hearing the counsel the Court made the following
 O R D E R

The Civil appeals are dismissed in terms of the singed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
 COURT MASTER (SH)

(BEENA JOLLY)
 COURT MASTER (NSH)

(SIGNED ORDER IS PLACED ON THE FILE)