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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

I.A. 9183/2025

IN

+ CS(COMM) 1047/2016

SUPER CASSETTES INDUSTRIES LTDPlaintiff

Through: Mr. Ujjawal Bhargava, Advocate

versus

RELIANCE BROADCAST NETWORK
LIMITED

.....Defendant

Through: Mr. Abhishek Malhotra, Senior
Advocate with Ms. Sonal Chhablani,
Advocate

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **14.05.2025**

**CS(COMM) 1047/2016 and I.A. 9183/2025 (under Section 151 of the
CPC)**

1. This application has been filed on behalf of the defendant seeking dismissal of the present suit on account of the plaintiff's claim being abated, in view of its failure to file its claim during the Corporate Insolvency Resolution Process (CIRP) initiated against the defendant.
2. Notice in this application was issued on 8th April, 2025. However, no reply has been filed by the plaintiff to the application.
3. Counsel for the plaintiff submits that the application may be decided on the basis of the documents on record.
4. Mr. Abhishek Malhotra, senior counsel appearing on behalf of the

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applicant/defendant, submits that this issue is squarely covered by the judgment of the co-ordinate bench of this Court in **Vijay Prakash v. Alok Industries**¹.

5. Mr. Malhotra has drawn attention of this Court to the order dated 6th May, 2024, passed by the National Company Law Tribunal ('NCLT'), Mumbai, Bench-V, in terms of which the Resolution Plan in respect of the defendant company has been approved.

6. It is further submitted that the aforesaid order of NCLT has been affirmed by the National Company Law Appellate Tribunal ('NCLAT'), Principal Bench, New Delhi, *vide* judgment dated 23rd December 2024.

7. A perusal of the order dated 6th May 2024 passed by NCLT would show that the Resolution Plan in respect of the defendant company has been approved, and the said order reflects that the plaintiff had not filed any claim in the CIRP proceedings. Further, the said order has attained finality *vide* judgment dated 23rd December, 2024, passed by the NCLAT.

8. In **Vijay Prakash** (supra), relying on the judgment passed by the Supreme Court in **Ghanashyam Mishra & Sons (P) Ltd. v. Edelweiss Asset Reconstruction Co. Ltd.**², a coordinate bench of this Court has observed that on the approval of the Resolution Plan, all claims which were not part of the Resolution Plan stand extinguished and the plaintiff is barred from initiating or continuing the proceedings in respect of such claim which is not part of the Resolution Plan. In light of the said analysis and exercising the power of the court granted under Section 151 of CPC, the coordinate bench dismissed the suit therein as the relief sought had become infructuous.

¹ 2024 SCC OnLine Del 5068

² (2021) 9 SCC 657



9. In my considered view, the present case is squarely covered by the judgment of the Co-ordinate Bench in ***Vijay Prakash*** (supra). The Resolution Plan, having attained finality, is binding on all stakeholders, including creditors who failed to submit their claims within the prescribed period. Since the defendant has failed to file its claim in the CIRP proceedings, the plaintiff's claim stands abated.

10. Accordingly, the application is allowed, and the present suit is dismissed.

AMIT BANSAL, J

MAY 14, 2025/SV

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