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

\+ OMP (ENF.) (COMM.) 58/2021

UNION OF INDIA .....Decree Holder

Through: None.

versus

M/S INDU PROJECTS LTD .....Judgement Debtor

Through: Mr. Raavi Yogesh Venkata, Mr. Kotte Venkata Pawan Kumar, Advocates

\+ OMP (ENF.) (COMM.) 78/2021

UNION OF INDIA .....Decree Holder

Through: None.

versus

M/S INDU PROJECTS LTD. .....Judgement Debtor

Through: Mr. Raavi Yogesh Venkata, Mr. Kotte Venkata Pawan Kumar, Advocates

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **10.02.2026**

1. The present enforcement petitions under Section 36 of the Arbitration and Conciliation Act, 1996, have been filed for execution of the Award dated 28.10.2019 in OMP (ENF.) (COMM.) 58/2021 wherein a sum of Rs. 64,77,24,749.92/- has been awarded to the Decree Holder/Union of India

and an Award dated 19.03.2019 in OMP (ENF.) (COMM.) 78/2021 for a sum of Rs.22,78,45,723.00/- has been awarded to the Decree Holder/Union of India.

2. It is stated that a Corporate Insolvency Resolution Process ["**CIRP**"] under the Insolvency and Bankruptcy Code, 2016, ["**IBC**"] was initiated against the M/s Indu Projects Ltd. i.e., the Judgment Debtor, which was admitted on 25.02.2019.

3. The resolution plan was successful and came to be approved by the National Company Law Tribunal on 05.07.2023, as a result of which the Judgment Debtor now has a new avatar.

4. In the above circumstances, the Apex Court in Ghanashyam Mishra And Sons Private Limited v. Edelweiss Asset Reconstruction Company Limited, **(2021) 9 SCC 657**, has held that once a company has been subjected to CIRP under the IBC and a resolution plan has also been duly approved, the Successful Resolution Application is statutorily entitled to the benefit of what has come to be recognised as the '*clean slate doctrine*'. Relevant paragraphs of the said Judgment read as under:-

> "***93***. *As discussed hereinabove, one of the principal objects of the I&B Code is providing for revival of the corporate debtor and to make it a going concern. The I&B Code is a complete Code in itself. Upon admission of petition under Section 7 there are various important duties and functions entrusted to RP and CoC. RP is required to issue a publication inviting claims from all the stakeholders. He is required to collate the said information and submit necessary details in the information memorandum. The resolution applicants submit their plans on the basis of the details provided in the information memorandum. The resolution plans undergo deep scrutiny by RP as well as CoC. In the*

negotiations that may be held between CoC and the resolution applicant, various modifications may be made so as to ensure that while paying part of the dues of financial creditors as well as operational creditors and other stakeholders, the corporate debtor is revived and is made an on-going concern. After CoC approves the plan, the adjudicating authority is required to arrive at a subjective satisfaction that the plan conforms to the requirements as are provided in sub-section (2) of Section 30 of the I&B Code. Only thereafter, the adjudicating authority can grant its approval to the plan. It is at this stage that the plan becomes binding on the corporate debtor, its employees, members, creditors, guarantors and other stakeholders involved in the resolution plan. The legislative intent behind this is to freeze all the claims so that the resolution applicant starts on a clean slate and is not flung with any surprise claims. If that is permitted, the very calculations on the basis of which the resolution applicant submits its plans would go haywire and the plan would be unworkable.

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***102**. In the result, we answer the questions framed by us as under:*

***102.1**. That once a resolution plan is duly approved by the adjudicating authority under sub-section (1) of Section 31, the claims as provided in the resolution plan shall stand frozen and will be binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority, guarantors and other stakeholders. On the date of approval of resolution plan by the adjudicating authority, all such claims, which are not a part of resolution plan, shall stand extinguished and no person will be entitled to* *initiate or continue any proceedings in respect to a claim, which is not part of the resolution plan.*

***102.2**. The 2019 Amendment to Section 31 of the I&B Code is clarificatory and declaratory in nature and therefore will be effective from the date on which the I&B Code has come into effect.*

***102.3**. Consequently all the dues including the statutory dues owed to the Central Government, any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the adjudicating authority grants its approval under Section 31 could be continued."*

5. Applying the above principle to the circumstances that have developed in the present Petition, this Court is of the considered view that on the Judgment Debtor now having a new avatar, the present Petitions have become infructuous.

6. Resultantly, OMP (ENF.) (COMM.) 58/2021 and OMP (ENF.) (COMM.) 78/2021 are disposed of as infructuous.

7. Needless to state, it is always open for the Decree Holder/Union of India to approach this Court by taking appropriate steps under law, if the need arises in future.

SUBRAMONIUM PRASAD, J

FEBRUARY 10, 2026
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