

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 5908 OF 2021

FOURTH DIMENSION SOLUTIONS LTD.

Appellant(s)

VERSUS

RICOH INDIA LTD. & ORS.

Respondent(s)

O R D E R

Heard learned counsel for the parties.

It is indisputable that the Resolution Plan approved by the Committee of Creditors has been finally upheld by this Court vide judgment dated 10.03.2021 in Civil Appeal Nos. 2943-2944 of 2020 titled as "*Kalpraj Dharamshi & Anr. vs. Kotak Investment Advisors Ltd. & Anr.*" and connected cases, reported in 2021 (10) SCC 401.

During the hearing of the stated appeal, it was brought to the notice of the Court that the appellant had preferred some appeal before the National Company Law Appellate Tribunal (in short "NCLAT") and it was still pending at the relevant time. This Court, in paragraph 160 of the judgment, therefore, directed that the said appeal shall proceed on merits. Pursuant to that liberty, the concerned appeal has now been decided

by the NCLAT vide impugned judgment.

In our opinion, it was sufficient for the NCLAT to dispose of the appeal before it by restating the factual position noted while considering the Plan submitted for approval before the Committee of Creditors. In paragraph 48 of the impugned judgment, the NCLAT has noted thus:

"... The name of the Appellant was mentioned in the list of Operational Creditors. On 29.11.2018 the RP published updated list of Creditors of the Corporate Debtor, wherein the admitted claims of the Appellant was indicated as 'Nil' with an appended note: "2. The claims pertaining to FDSL have been disputed and are proceedings before the Arbitrators/Appellate Authorities. The liability is subjected to outcome of these proceedings".

In light of this factual position, in our opinion, the appeal needs to be disposed of by restating the said fact with liberty to the parties to pursue all contentions available to them in the proceedings pending at the relevant time, if any.

It is stated that some arbitration proceedings were pending between the parties. If so, all contentions available to both sides be decided in the said proceedings on its own merits in accordance with law.

The civil appeal is disposed of accordingly.

Pending applications, if any, stand disposed of.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(DINESH MAHESHWARI)

NEW DELHI;  
JANUARY 21, 2022.

ITEM NO.6 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 5908/2021

FOURTH DIMENSION SOLUTIONS LTD.

Appellant(s)

VERSUS

RICOH INDIA LTD. & ORS.

Respondent(s)

(IA No.122022/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.122020/2021-EX-PARTE STAY and IA No.122021/2021-CLARIFICATION/DIRECTION )

Date : 21-01-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Appellant(s) Mr. Kapil Sibal, Sr. Adv.  
Mr. P.P. Chaudhary, Sr. Adv.  
Mr. David Rao, Adv.  
Mr. M.S. Vishnu Sankar, Adv.  
Mr. Koshy John, Adv.  
Mr. Sanjeet Purohit, Adv.  
Mr. Sriram Parakkat, Adv.  
Ms. Athira G. Nair, Adv.  
Mr. Atul Sharma, Adv.  
Mr. Michael Rao, Adv.  
M/S Lawfic, AOR

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Hancy Maini, Adv.  
Mr. Ashutosh P. Shukla, Adv.  
M/S. Karanjawala & Co., AOR

M/S. Khaitan & Co., AOR

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

The civil appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)

[Signed order is placed on the file]

