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

+ **W.P.(C) 2826/2025**

BENLON INDIA LIMITED

.....Petitioner

Through: Mr. Sachit Jolly, Sr. Adv. and
Mr. Gautam Baja, Adv.

versus

COMMISSIONER OF CGST & ORS.

.....Respondents

Through: Mr. Piyush Beriwal, Mr. Sanjay
Pal, Mr. Sandip Munian and
Ms. Jyotsna Vyas, Adv. for R-
1 to R-3.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **06.03.2025**

CM APPL. 13422/2025 (Ex.)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

W.P.(C) 2826/2025 & CM APPL. 13421/2025 (Stay)

1. Notice. Since the respondents are represented by Mr. Beriwal, learned counsel, let a reply be filed within a period of four weeks' from today. The petitioner shall have two weeks therefrom to file a rejoinder affidavit.
2. Let the writ petition be called again on 21.04.2025.
3. Prima facie, we find merit in the challenge which stands raised bearing in mind the following facts. Undisputedly, the Resolution Plan placed under the provisions of the Insolvency and Bankruptcy Code, 2016 ['IBC'] came to be approved on 20 October 2020. We also bear



in consideration the facts which emerge from a perusal of Annexure P-8 and the earlier proceedings which had been initiated for Financial Year ['FY'] 2017-18 coming to be ultimately dropped by the respondents themselves in acknowledgement of the approval of the aforementioned Resolution Plan. More importantly, we bear in consideration Clause 4.7.2(c) of the Resolution Plan as well as the judgment rendered by the Supreme Court in **Ghanashyam Mishra & Sons (P) Ltd. v. Edelweiss Asset Reconstruction Co Ltd.** [(2021) 9 SCC 657]. Matter requires consideration.

4. Accordingly, till the next date of listing, there shall be stay of the impugned order dated 02 February 2025.

YASHWANT VARMA, J.

HARISH VAIDYANATHAN SHANKAR, J.

MARCH 06, 2025/v