



2026:AHC-LKO:20801

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 1238 of 2026

M/S Jaypee Infratech Ltd. Thru. Its Authorized
Representative Sh. Apurv Pragya

.....Petitioner(s)

Versus

Axis Bank Ltd. Lko. Thru. Its Chairman And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	: Shubham Tripathi, Aditya Vikram Singh, Inam Uddin Ahmed
Counsel for Respondent(s)	: Amit Jaiswal Ojus Law

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Gaurav Rig along with Sri Shubham Tripathi, learned counsel for petitioner as well as Sri Amit Jaiswal, learned counsel for respondent No. 1.
2. By means of present writ petition, the petitioner has assailed the validity of the order dated 22.07.2019 passed by Debt Recovery Tribunal, Lucknow as well as recovery certificate issued by Debt Recovery Tribunal, Lucknow in pursuance of judgment of the Tribunal dated 22.07.2019.
3. It has been submitted by learned counsel for petitioner that the petitioner is a company duly registered under the Companies Act and undergone restructuring before the National Company Law Tribunal where the proceedings under Insolvency and Bankruptcy Code, 2016 were initiated. It has been submitted that the proceedings U/S 31 of Insolvency and Bankruptcy Code, 2016 have been concluded and the Resolution Plan has been duly approved by means of order dated 24.05.2024 by the National Company Law Tribunal, Principal Bench, New Delhi.
4. It has been submitted that in the meanwhile, it seems that certain proceedings were also initiated at the behest of respondent No. 1 against the petitioner which have been concluded and the recovery certificate has

been issued against the petitioner. Learned counsel for petitioner has vehemently submitted that in the aforesaid facts of the case once the Resolution Plan stands approved then all the claims which are provided for in the Resolution Plan stand frozen and are binding on the corporate debtor and its employees, members, creditors, including the Central Government, any local authority, guarantors and other stakeholders.

5. It is in the aforesaid circumstances, it is stated that the said recovery certificate issued by the Debt Recovery Tribunal cannot be executed. In support of his submissions, he has relied upon the judgment of the Supreme Court in the case of **Ghanashyam Mishra and sons Private Limited through the Authorised Signatory Vs. Edelweiss Asset Reconstruction Company Limited through the Director and others, 2021 (9) SCC 657**, in paragraph Nos. 102 and 103 held as under:-

"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 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.

103. In the light of what has been held by us hereinabove, we now proceed to decide individual matters. CIVIL APPEAL NO.8129 OF 2019."

6. Accordingly, it has been submitted that the petitioner has never of the appeared in the proceedings before Debt Recovery Tribunal and it is only when the coercive method has been adopted for recovery of the outstanding amount, they came to know about the said proceedings and have filed present writ petition.

7. Considering the arguments of the petitioner, this Court finds that once the Resolution Plan has been approved and the outstanding amount of respondent no. 1 was not included then subsequently such recovery cannot be made and, prima facie, case for interference has been made. The matter requires consideration.

7. Accordingly, issue notice.

8. Till the next date of listing, no coercive actions shall be taken against the petitioner in pursuance of the judgment and order date 22.07.2019 and also the recovery certificate issued by the Debt Recovery Tribunal shall remain stayed as against the petitioner.

9. As prayed, connect and list this case along with Matters Under Article 227 No. 1747 of 2025 on 05.05.2026.

(Alok Mathur,J.)

March 23, 2026

Ravi/