

IN THE NATIONAL COMPANY LAW TRIBUNAL,
COURT-V

FREE OF COST COPY
NEW DELHI

Item No.-202

IB-1828/ND/2019

CA/C- V/439/ND/2020

IN THE MATTER OF:

M/s. Kabita Barik & Ors.

Vs

M/s. Atul Vatika Developers Pvt. Ltd

...Applicant

...Respondent

SECTION

Under Section-9 of IBC, 2016

Order delivered on 22.01.2020

CORAM:

SHRI ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (JUDICIAL)

SHRI K.K. VOHRA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant

: Adv. Purnima & Adv. Sumesh Dhawan

For the Respondent

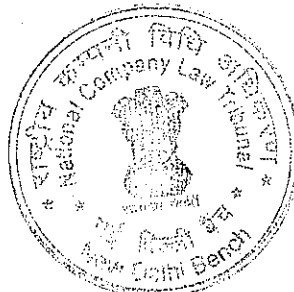
:

ORDER

CA-439/ND/2020:-

This application is filed on behalf of Mr. Mahender Kumar Khandelwal, Registration No-IBBI/PA-001/IP-P00033/2016-2017/10086 appointed as IRP by this Adjudicating Authority vide order dated 11.10.2019. We have heard the Ld. Counsel appeared on behalf of the IRP as well as the Operational Creditor. Ld. Counsel for IRP submitted that although he was appointed as IRP in this proceeding on 11.10.2019 but one disciplinary proceeding was pending against him and certain penalties have been imposed against him. In view of the same, he preferred an appeal before the Hon'ble Delhi High Court. So, under such circumstances he is unable to perform the work of IRP and discharge the duties of IRP in the present proceeding.

27.1.20



On the other hand, Ld. Counsel appeared on behalf of Operation Creditor submitted that at the time of filing of this application under Section 9, Operation Creditor has not proposed any name of IRP rather IRP was appointed from the panel prepared by IBBI and she further submitted that she has no objection if the present IRP^{is} discharged from performing their duties.

Considering the submissions made on behalf of both the parties and on perusal the averments made in the application, we find that since no name was proposed by the Operation Creditor that is why the name of the IRP was appointed ~~in~~^{from} the panel of IBBI and that is the reason that consent letter was not available on the record and also the disciplinary proceeding pending against the IRP, therefore, we think it proper to discharge the IRP from performing the duties. Accordingly, the present IRP is discharged from the duties assigned to them in this matter and we appoint the new IRP Mr. Akhilesh Kumar Gupta as the IRP, details are as Registration No-IBBI/IPA-001/IP-P00780/2017-2018/11353 e-mail:- akhilesh@llca.net. He shall take such other and further steps as are required under the statute, more specifically in terms of Section 15,17 & 18 of the code and file his report.

Ld. Counsel for Operation Creditor undertakes to deposit the fee of the IRP within two weeks after their appointment and Registry is directed to communicate the order with the new IRP.

Accordingly, with this order CA stands disposed of.

sd/-
(K.K. VOHRA)
MEMBER (T)

(Chirag)



sd/-
(ABNI RANJAN KUMAR SINHA)
MEMBER (J)

Dih 27.1.2020
Deputy Registrar
National Company Law Tribunal
CGO Complex, New Delhi-110003

FREE OF COST COPY