

**THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH
CUTTACK**

**TP No. 101/CTB/2019
Arising out of
CP (IB) No. 3284/MB/2018**

**CORAM: 1. Ms. Sucharitha R. Member (J)
2. Shri Satya Ranjan Prasad, Member (T)**

In the Matter of:

M/s Raj Process Equipments and Systems Pvt. Ltd., a company incorporated under the Companies Act, 1956 and having its Registered Office situated at Jai Ganesh Vision, 'B' Wing, 3rd Floor, Akurdi, Pune – 411 035.

... .. **Operational Creditor/Applicant**

-Versus-

In the Matter of:

M/s Welcome Distilleries Pvt. Ltd., a company incorporated under provisions of the Companies Act, 1956 and having its Registered Office situated 2nd Floor, Agrasen Chowk, Bilaspur, Chhattisgarh – 495 001.

... .. **Corporate Debtor/Respondent**

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Date of pronouncement of Order: 20th day of February, 2020.

ORDER

Per: Ms. Sucharitha R. Member (J)

1. M/s Raj Process Equipments and Systems Pvt. Ltd. filed application under Section 9 of Insolvency and Bankruptcy Code, 2016. It was filed before NCLT, Mumbai Bench numbered as CP (IB) No. 3284/MB/2018. Hon'ble NCLT by Order dated 06.03.2019 admitted the application. Aggrieved by this, the respondent i.e. M/s Welcome Distilleries Private Limited filed appeal against the same before Hon'ble NCLAT. Vide Company Appeal (AT) (Insolvency) No. 316 of 2019 dated 02.08.2019, the Hon'ble NCLAT set aside the order, in doing so, has directed the Adjudicating Authority to decide the fee and cost of the Resolution Professional.
2. After the constitution of this Bench, CP (IB) No. 3284/MB/2018 was transferred to this Adjudicating Authority and renumbered as TP No. 101/CTB/2019.
3. The respondent/Corporate Debtor i.e. M/s Welcome Distilleries Private Limited submits as follows –
 - (i) The application was filed for invoices pending to the amount of Rs. 10,35,940/- (Rupees Ten Lakh Thirty-Five Thousand Nine Hundred and Forty). However, after the Order of the Hon'ble NCLAT, the

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matter has been settled between the parties. Since the matter was pending before Hon'ble NCLAT, the Resolution Professional has not done any work in respect of Corporate Insolvency Resolution Process. Furthermore, Committee of Creditors also was not formed. However, the Interim Resolution Professional has claimed the total amount of Rs. 11,56,400/- (Rupees Eleven Lakh Fifty-Six Thousand and Four Hundred). It is pertinent to note here that the outstanding under application was Rs. 10,35,940/- (Rupees Ten Lakh Thirty-Five Thousand Nine Hundred and Forty).

(ii) The respondent Welcome Distilleries Pvt. Ltd. further submits that towards the professional fee and expenses sum of Rs. 2,36,000/- (Rupees Two Lakh Thirty-Six Thousand) was paid to the Interim Resolution Professional dated 05.04.2019 and the bills are annexed for the same.

4. In view of the above, no payment is due and payable to the Interim Resolution Professional.


Shri Satya Ranjan Prasad
Member (T)


Ms. Sucharitha R.
Member (J)

Signed on this, the 20th day of February, 2020.

Santosh_P.S.