

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**INDORE SPECIAL BENCH**  
**COURT NO. 1**

ITEM No.130 to 161  
TP 230 of 2019 [CP(IB) 192 of 2017]

**Proceedings under Section 7 IBC**

**IN THE MATTER OF:**

Daimler Financial Services Pvt Ltd  
V/s  
JSM Devcons India Pvt Ltd

.....Applicant

.....Respondent

**Order delivered on 24/03/2023**

**Coram:**

Ashok Kumar Bhardwaj, Hon'ble Member(J)  
Ajai Das Mehrotra, Hon'ble Member(T)

**PRESENT:**

For the Applicant

: Ld. Adv. Mr. Vijayesh Atre a.w.  
Ld. Adv. Mr. Ravi Pahwa (Cont.P/1(MP)2022 in  
IA/22(MP)2022)  
Ld. Adv. Ms. Nandini Sharma (IA/64(MP)2023 in  
IA/115(MP)2020)  
Ld. Adv. Mr. Meet Thanki  
Ld. Adv. Mr. Shantnu Chourasia  
Ld. Adv. Mr. Pranjal Kalantri  
Ld. PCA Mr. Vishnu Agrawal (IA 72/2023)  
Ld. Adv. Mr. Jaimin R Dave  
Ld. Adv. Mr. Hirva Dave (IA 106/2020)  
Ld. Adv. Mr. Siddharth Kothari (IA/54(MP) 2021)  
(Physical), Ld. Adv. Mr. Kuldeep K. Adesara (IA/85(MP) 2022  
Ld. Adv. Mr. Neeraj Kumar Gupta(IA/12(MP)2023)  
Ld. Sr. Adv. Mr. Anant Kasliwal

**ORDER**

IA 43 of 2020, IA 85 of 2020, IA 86 of 2020, (MP) IA 93 of 2020, IA 106 of 2020, IA  
115 of 2020, IA 129 of 2020, (MP) IA 191 of 2020, IA/14(MP)2021, IA/30(MP)2021,  
IA/34(MP)2021, IA/41(MP)2021, IA/51(MP)2021, IA/53(MP)2021, IA/54(MP)2021,  
IA/116(MP)2021, IA/17(MP)2022, IA/25(MP)2022, IA/29(MP)2022, IA/45(MP)2022,  
IA/48(MP)2022, IA/53(MP)2022, IA/55(MP)2022, IA/85(MP)2022, IA/115(MP)2022,  
IA/116(MP)2022, IA/268(MP)2022, IA/269(MP)2022, IA/12(MP) 2023,

**IA/64(MP)2023 in IA/115(MP)2020 IA/72(MP)2023 & Cont. P/1(MP)2022 in IA/22(MP)2022**

Despite, the order dated 19.01.2023 passed by this Adjudicating Authority, there is no appearance on behalf of the RP. The situation is quite appalling.

The Registry is directed to forward a copy of order dated 19.01.2023 for consideration of the IBBI to take a suitable view in the matter.

In the meantime, the CoC would be at liberty to pass an appropriate Resolution regarding the replacement of the RP and file the same before this Adjudicating Authority within one week.

Normally, we could have appointed IRP/RP from the panel prepared by the IBBI and made available to this Bench. However, the situation in the present case is quite peculiar i.e., the IP suggested by the CoC could be appointed as RP, but he is not discharging his function and is also not represented before this Adjudicating Authority.

Learned counsel appearing for AR (the Financial Creditors as a class) submitted that the RP is absconding, as he has embezzled the amount of EMD submitted by the Proposed Resolution Applicant. Without commenting upon the allegations made by the learned counsel, we deem it appropriate to refer the matter to IBBI for taking a holistic view in the matter.

The Registrar/Court Officer is directed to make a copy of this order available to the IBBI for an appropriate action in the matter.

List on 19.05.2023.

Sd/-

**AJAI DAS MEHROTRA  
MEMBER (TECHNICAL)**

Braj Mohan/Neeraj

Sd/-

**ASHOK KUMAR BHARDWAJ  
MEMBER (JUDICIAL)**