

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH-I
KOLKATA**

I.A. (IB) No. 371/KB/2022

in

C.P. (IB) No. 149/KB/2019

Under section 22 of the Insolvency and Bankruptcy Code, 2016.

In the matter of

Indian Bank

... Financial Creditor

versus

City Mall Developers Private Limited

... Corporate Debtor

And

In the matter of:

Committee of Creditors

represented by Omkara Asset Reconstruction Private Limited

... Applicant

versus

Sajjan Kumar Dokania

... Respondent

Order reserved on: 05 May 2022
Order pronounced on: 12 May 2022

Coram:

Shri Rajasekhar V.K., Member (Judicial)

Shri Balraj Joshi, Member (Technical)

Appearances (through video conferencing):

For the Applicant

Mr. Ratul Das, Advocate

For the Resolution Professional

Mr. Sajjan Kumar Dokania, Resolution Professional

ORDER

Rajasekhar V.K., Member (Judicial)

1. This court convened *via* video conferencing.
2. This is an application filed by the **Committee of Creditors**, represented by Omkara Asset Reconstruction Private Limited under section 22 of the Insolvency and Bankruptcy Code, 2016 (*Code*) praying for replacement of Mr. Sajjan Kumar Dokania, the Interim Resolution Professional with Mr. Kannan Tiruvengadam as the Resolution Professional.
3. It is submitted that the underlying Company Petition bearing C.P. (IB) No. 149/KB/2020 was filed by Allahabad Bank (now Indian Bank) and this Adjudicating Authority *vide* order dated 08 March 2022, initiated Corporate Insolvency Resolution Process (*CIRP*) against City Mall Developers Private Limited, the Corporate Debtor. Mr. Sajjan Kumar Dokania was appointed as the Interim Resolution Professional (*IRP*).
4. It is further submitted that in terms of section 15 of the Code, public announcement was made on 09 March 2022 and the IRP collated the claims. The Committee of Creditors (*CoC*) was duly constituted and the 1st CoC meeting was held on 05 April 2022.
5. The CoC resolved to appoint Mr. Kannan Tiruvengadam as the Resolution Professional in place of Mr. Sajjan Kumar Dokania.
6. The CoC has proposed the name of Mr. Kannan Tiruvengadam, having Registration No. IBBI/IPA-001/IP-P00253/2017-18/10482 as the Resolution Professional of the Corporate Debtor.

7. Mr. Kannan Tiruvengadam has filed his written communication in Form AA as required under regulation 3(1A) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process of Corporate Persons) Regulations, 2016 and has submitted a valid Authorisation for Assignment (AFA) issued by the Insolvency Professional Agency (IPA) of which he is a professional member, in terms of regulation 7A of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016.
8. Heard Learned Counsel appearing on behalf of the Applicant. Upon perusing the documents and records in the instant proceedings, we allow the application.
9. **Mr. Kannan Tiruvengadam**, having Registration No. **IBBI/IPA-001/IP-P00253/2017-18/10482**, email id. calkannan@gmail.com, having address at Netaji Subhas Villa, 18 Karunamoyee Ghat Road, Flat 3C, Kolkata- 700082, is hereby appointed as the Resolution Professional of the Corporate Debtor to carry out the functions as per the Code.
10. The application being **I.A. (IB) No. 371/KB/2022** is disposed of accordingly. List C.P. (IB) No. 149/KB/2019 on 25 July 2022 for filing progress report.
11. The fee of the erstwhile Interim Resolution Professional be paid expeditiously by the Committee of Creditors.
12. The erstwhile Interim Resolution Professional shall handover all the documents with regard to the Corporate Debtor to the Resolution Professional, Mr. Kannan Tiruvengadam, within one week from the date of this order.

13. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
14. Urgent certified copies of this Order, if applied for, be supplied to parties upon compliance of all requisite formalities.

**BALRAJ
JOSHI** Digitally signed
by BALRAJ JOSHI
Date: 2022.05.12
23:23:33 +05'30'

**(Balraj Joshi)
Member (Technical)**

**Rajasekhar
V K** Digitally signed by
Rajasekhar V K
Date: 2022.05.12
18:47:34 +05'30'

**(Rajasekhar V.K.)
Member (Judicial)**

Order signed on ____ day of May, 2022

GGRB [LRA]