

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 20
(IB)-461(PB)/2017

IN THE MATTER OF:

BDR Builders and Developers Pvt. Ltd	...	Applicant/Petitioner
Vs		
Shilpi Cable Pvt. Limited	...	Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016, Liq.

Order delivered on 07.02.2023

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH KUMAR SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Saumay Kapoor, Advocate
For the Liquidator : Mr. Milan Singh Negi, Mr. Nikhil Kr. Jha, Advs.

ORDER

IA-5181/2020

Notice of the application be issued to the respondent(s)/non-applicant(s), returnable **on 10.03.2023**.

IA-2086/2021

Ld. Counsel for the applicant appears.
Notice in the application is already issued.
Await the appearance of the Respondent.
List the matter again for a physical hearing **on 10.03.2023**.

IA-2099/2021

This is an application filed by Mr. Sudhir Kalra, erstwhile RP for seeking the following relief:

“a. Direct the Respondent No. 1, Liquidator of the Corporate Debtor, to release the pending dues amounting to INR 14,00,000/- towards the fees of the Resolution

(Professional from the period 14 January 2019 to 13 August 2019; and

b. Pass any such or other order as this Hon'ble Tribunal may deem fit."

The fee of the Resolution Professional for the period 14 January 2019 to 13 August 2019 is pending. The reason for the same is stated by the Ld. Counsel Mr. Soumya Kapur for the RP who seeks to prosecute this application on the grounds that after the CIRP period had expired, the order of this Adjudicating Authority to commence liquidation proceedings was obtained after a delay of seven months. In this period the CoC apparently was not *functus officio*. He, therefore seeks payment of this claim from the Liquidator of the Corporate Debtor.

We deem it appropriate to refer the matter of payment of the due of the erstwhile RP, if any to the IBBI for passing the necessary order in the matter.

Accordingly, the application stands **disposed** of in the above terms.

-sd-

(RAMALINGAM SUDHAKAR)
PRESIDENT

-sd-

(AVINASH KUMAR SRIVASTAVA)
MEMBER (TECHNICAL)