

DIVISION BENCH

ITEM No. 107

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

CP No.(IB)45/ALD/2019

**IA No. 220/2021, IA No.73/2021, CA No. 191/2019,
CA NO. 192/2019, CA No. 232/2019, CA No. 65/2020**

CORAM:

- 1. SHRI RAJASEKHAR V. K,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI VIRENDRA KUMAR GUPTA,
HON'BLE MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 07th DECEMBER,
2021, 3:00 PM**

NAME OF THE COMPANY	NITIN JAIN & ANR V/S RATANDEEP INFRASTRUCTURE PVT LTD
UNDER SECTION	7 IBC

COUNSEL APPEARED THROUGH VIDEO CONFERENCING :

Sh. Kartikeya Saran, Ms. Babita Jain, Jitendra Sarin, Advs. : *For the Applicants*

Sh. Deepak Maurya proxy for Sh. Udai Chandani, Adv. : *For the respondent*

Sh. Alok Kumar Kuchhal, RP in person.

ORDER

CA NO. 191/2019

This is an application filed by the Members of the Suspended Board seeking to submit the Resolution Plan in respect of the Corporate Debtor with other prayers. The Corporate Debtor is not an MSME. Therefore, a Resolution Plan sought to be submitted by the Suspended Board will be hit by the provision Section 29A, which came into effect from 06.06.2018.

Therefore, IA No.191/2019 is dismissed as not maintainable.

CA NO. 192/2019

At the request of learned counsel appearing for the Applicant, this application is dismissed as not pressed. The Applicant is free to pursue its remedies as available to him under the law.

—Sd—

CA 232/2019

This is an application seeking consideration of claims by the Resolution Professional. This application was filed in 2019 and the application seeking liquidation of the Corporate Debtor has been filed in IA No.73/2021. Therefore, the present petition has become infructuous and is dismissed as such. Liberty is given to the Applicant to raise its claim with the liquidator as and when appointed by the Adjudicating Authority.

IA NO. 220/2021

This is an application filed by the AIG Infratech (India) Private Limited seeking to submit a resolution plan in respect of the Corporate Debtor. This application has come rather late in the day as the CIRP was initiated against the Corporate Debtor vide order dated 16.04.2019, the CIRP has been in continuing for the last two and half years. At this stage, no useful purpose would be served in keeping IA NO. 220/2021 when the COC has already resolved to liquidate the Corporate Debtor and the application as IA No.73/2021 is pending for consideration.

Therefore, IA NO. 220/2021 is dismissed as infructuous.

IA NO. 73/2019

Heard the RP appearing in person. Reserved for order.

CA NO. 65/2020

This is an application filed by the Resolution Professional seeking a direction to the Committee of Creditors for payment of fee.

This application is disposed of with the following directions:-

- a. The Resolution Professional is hereby directed to raise invoices in respect of the expenses incurred by him and a separate invoice in respect of the fee approved by the COC;
- b. Upon receipt of the invoices along with the supporting documents members of the COC is directed to consider the matter of fee and CIRP cost at a meeting to be called in this regard on 27th of December, 2021 due notice of the meeting shall be given by the Resolution Professional to the Members of the Committee.
- c. The matter shall be reported back to this Adjudicating Authority on 04.01.2022. Since this is a 2020 matter, we expect the COC to take a decision quickly with regard to the fees and expenses of the Resolution Professional.

—Sd—

—Sd—

Virendra Kumar Gupta
Member (Technical)

Md. Zaid
(Stenographer)

—Sd—

Rajasekhar V.K.
Member (Judicial)