

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**COURT-VI**

**Item No. 610**  
**IB-285(ND)/2020**

**IN THE MATTER OF:**

**M/s. Ashtech Buildpro India Pvt. Ltd.**

**...PETITIONER**

**Vs.**

**M/s. Sun Ganga Construction Co. Pvt. Ltd.**

**...RESPONDENT**

**Section**

**U/s 9 of IB Code, 2016**

**Order delivered on 16.06.2023**  
**(Virtual Hearing)**

**Coram:**

**SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)**

**SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

**For the Resolution Professional**

**:Mr. Abhishek Anand, Mr. Karan Kohli, Mr. Vaibhav Mendritta, Mr. Sahil Chopra, Ad**

**ORDER**

**IA/711/2023**

This is an application filed by the IRP with the following prayers: -

- 1. Direct the termination of the CIRP of the Corporate Debtor as the Respondent being the Operational Creditor has failed to honour the order dated 24.11.2022 passed by this Hon'ble Adjudicating Authority;*
- 2. Direct the Respondent/Operational Creditor to pay the cost and payment of the CIRP expenses borne by the Applicant till the present application is allowed by this Hon'ble Adjudicating Authority; and*

Mr. Abhishek Anand, Ld. Advocate appearing for the IRP has submitted that notice was issued to the Operational Creditor vide order dated

02.02.2023. Service was effected on the Operational Creditor by e-mail on 14.02.2023 and by speed post on 17.02.2023 and affidavit of service has been filed on 21.02.2023. Despite due service of notice no one has appeared on behalf of the Operational Creditor. It is submitted that CIRP was initiated vide order dated 24.11.2022 and Mr. Sanjay Gupta, appointed as IRP and Public Announcement was made on 27.11.2022 and last date for filing the claim on 08.12.2022. No claim were received even from the Operational Creditor.

Thereafter IRP sent an e-mail to the Suspended Board of Directors on 07.12.2022 and 14.12.2022. IRP has submitted that e-mail was sent to Operational Creditor on 12.01.2023 and 13.01.2023, however no response was received by IRP from anyone.

Mr. Abhishek Anand, Ld. Advocate for the IRP has submitted that no claim has been received and no response has been received from the Operational Creditor. Since no one has filed any claim and there was no response from anyone including the Operational Creditor therefore, CIRP should be terminated. He further submitted that IRP has incurred certain expenses towards the public announcement, legal cost etc. amounting to Rs. 1,68,000/-. Further he has submitted that the fees of the IRP for this period is Rs. 3,50,000/-.

Having heard the submissions made by Mr. Abhishek Anand. Ld. Advocate appearing for the IRP we deem it appropriate under the facts and circumstances of the present case that the CIRP should be terminated and therefore, order accordingly. IRP therefore, stands discharged from his duties and the Corporate Debtor is released from the rigours of the CIRP.

We direct the Operational Creditor to pay fees and other expenses incurred by the IRP as stated in the above-mentioned paragraph within 15 days. List the matter for compliance on **21.07.2023**.

**Sd/-**  
**(Rahul Bhatnagar)**  
**Member (T)**

**Sd/-**  
**(Bachu Venkat Balaram Das)**  
**Member (J)**