

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Comp. App. (AT) (Ins.) No. 1100 of 2021**

In the matter of:

**Mahesh Taneja, Erstwhile Interim Resolution
Professional of Bulland Buildtech Pvt. Ltd.
Vs.**

....Appellant

**Mr. Devendra Umrao,
Authorised Representative of Creditors in Class of
Corporate Debtor & Anr.**

...Respondents

For Appellant: Mr. Mahesh Taneja (in person)

For Respondents: Mr. Hitesh Sachar, Advocate for R2.

ORDER

(Through Virtual Mode)

07.01.2022: The Appellant has appeared in person before us questioning the order dated 08.11.2021 passed by the Adjudicating Authority (National Company Law Tribunal), Special Bench (Court-II) in I.A 2825 of 2021. The Adjudicating Authority passed following orders:-

***“IA-2825/2021**- The ex-IRP, who is present in course of the hearing has submitted that he would abide by the orders of the Court and made a statement that he is prepared to receive Consolidated Fee @Rs. 2 Lakh per month for the service rendered by him from 22.03.2021 to 30.06.2021.*

In view of the same, the IA stands disposed of.”

2. The Interim Resolution Professional (IRP) who is appearing in person contends that he never gave consent before the Adjudicating Authority for Rs.2 Lacs per month as his fee and in fact, he was coerced to give consent. He

further submits that the Bank has initially agreed for Rs. 1.5 Lac + 1.5 Lac and it was also ratified in the 1st Committee of Creditors meeting but in subsequent meeting, it was not ratified and Bank has also written that they don't agree for Rs.3 Lacs per month.

3. Be that as it may, the order indicate that the Adjudicating Authority has mentioned that during the course of the hearing, ex-IRP submitted that he would abide by the orders of the Court and made a statement that he is prepared to receive Consolidated Fee @Rs.2 Lakh per month. The order passed clearly mentioned that it was with the consent of the Appellant. The submission made by the ex-IRP, who appear in person, that he was coerced to give consent is not acceptable and we deprecate such submission made before the Appellate Tribunal. Statement in a Court proceeding and recording of the same has to be accepted. It is not open to a parties to refute the happening in the Court and statement recorded in the Court before us. We do not find any substance in the Appeal and we are of the view that the conduct of the Appellant in filing the Appeal is not appreciable.

The Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

Anjali/nn