

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT - IV

ITEM No. 106
IA No. 2458/ND/2021
IB-1604/(ND)/2019

IN THE MATTER OF:

Arinjaya Kuar Jain
Vs.

....**Applicant**

Onkar Electronics Pvt. Ltd.

....**Respondent**

Order under Section 9 of IBC.

Order delivered on 16.09.2021

Coram:

DR. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)

MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)

PRESENTS:

For the Applicant	:
For the RP/IRP	: Mr. Rajbir Singh Khatak
For the Respondent	:

ORDER

IA No. 2458/ND/2021:

Application filed by IRP who is not confirmed as RP. Learned IRP Mr. Rajvir Singh states that since time of publication of the notice, after the initiation of CIRP, in September 2020, no claims are received. CIRP has not progressed. CoC is not formed. Operational creditor is not coming forward for filing claim before IRP. CIRP cannot progress and cannot be continued. The IRP still continue and also not relieved. The IRP is functioning till date and at this stage makes a request that in view of the above circumstances, the CIRP may be declared to be closed, as no Resolution is possible in view of the absence of any response from the Corporate Debtor. The IRP further states that even the Corporate Debtor has not extended any cooperation as the CIRP was initiated ex-parte against the Corporate Debtor. Any notice sent to the company address or Ex.-Director was received with the remarks, "no such company found nor any addresses of the Directors are being

served”. Learned IRP requests that he should be discharged from acting as IRP by deciding suitable fees. He further states that Rs. 1,00,000/- was deposited by the Operational Creditor out of which the expenses amounted to Rs. 40,588/-. He further request that suitable fees be decided by this Court and be ordered. The IRP is directed to adjust the balance amount with him deposited by Operational Creditor as his fees and he is discharged from duty of acting as IRP of the Corporate Debtor Onkar Electronics Pvt. Ltd. In our view, there is no point in going ahead with the CIRP of the Corporate Debtor as none of the parties are available and IRP stands discharged today. In view of the above circumstances, CIRP initiated against the Corporate Debtor stands terminated. Application is allowed in terms of above order and disposed of, thereby IB-1604/ND/2019 stands disposed of in terms of above order.

Sd/-
SUMITA PURKAYASTHA
MEMBER (T)

Sd/-
DR. DEEPTI MUKESH
MEMBER (J)

Vaishali – 16.09.2021