

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT - II)

Item No. 204
(IB)-556(ND)2020

IA-3571/2022, IA-2085/2022, IA-2688/2022

IN THE MATTER OF:

M/s. Computer Junction Private Limited. ... Applicant/Petitioner

Versus

M/s. Nysa Communication Private Limited. ... Respondent

Under Section: 9 of IBC, 2016 (CIRP)

Order delivered on 23.03.2023

CORAM:

**SHRI. ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (J)**

**SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)**

PRESENT:

For the Applicant : Adv. Sumit Sinha in IA No- 2688 of 2022, Adv. Tushar Thareja, Adv. Pankaj Jaiswal and Adv. Sakshi Dahiya

For the Respondent : Adv. Milan Negi & Adv. Nikhil Kumar

ORDER

IA-3571/2022: In terms of the order dated 13.10.2021, this Adjudicating Authority admitted the IB-556/ND/2020 and appointed Late Navjit Singh (Registration No. IBBI/IPA-001/IP-P00314/2017-18/10578 (navjit92ca@gmail.com) having the office at 218-A, First Floor, Shop No. 4, Rama Market, Pitampura, New Delhi-110034 as IRP. Subsequently, in terms of the order dated 09.05.2022 passed in Company Appeal (AT) (Insolvency) No. 1035 of 2021, the Hon'ble NCLAT could set aside the aforementioned order passed by this Adjudicating Authority. In the wake, the appointment of RP (ibid) ceased to have an effect. The RP was apprised of the development immediately. When the order of the Hon'ble NCLAT is dated 09.05.2022, on 11.05.2022, Late Navjit Singh, IRP transferred an amount of Rs.34,67,162.33/- from the CIRP account of CD to his personal account. We are totally appalled with such conduct and the approach of the IRP, who has since passed away. In our conscious view, the amount has been transferred fraudulently and the matter needs to be looked into by IBBI.

UPASANA




In the wake, we direct the IBBI to look into the matter and to fix fair fees for the IRP, to be released/paid to the legal heirs of the RP and indicate the amount that needs to be refunded to the CD and file a report before this Authority within 03 weeks.

In the meantime, Respondent No. 1 (Union Bank of India) is directed to freeze Account No. 218811100002193 maintained at Union Bank of India, Shalimar Bagh, New Delhi, which is in the name of Late Navjit Singh, and not allow anybody to operate the same till further orders by this Tribunal.

List on 27.04.2023.

IA-2085/2022: The IA was filed by the erstwhile RP, who has since passed away. There is no application for substitution of any LR for the Applicant thus, **the Application stands abated and is disposed of accordingly.**

IA-2688/2022: In view of the order passed in IA-3571/2022, **the IA has become infructuous and is disposed of accordingly.**


(L. N. GUPTA)
MEMBER (T)


(ASHOK KUMAR BHARDWAJ)
MEMBER (J)