

IN THE NATIONAL COMPANY LAW TRIBUNAL,

KOLKATA BENCH,

KOLKATA

I.A.(IB)15/KB/2022

In

C.P (IB) No.2078/KB/2019

In the matter of

An application under section 27 and 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal, 2016.

And

In the matter of

The Committee of Creditors of BKM Industries Limited (IN CIRP), Through Indian Bank. A Scheduled Commercial Bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, having its Corporate Centre at 254-260, Avvai Shanmugam Salai, Royapettah, Chennai, Tamil Nadu- 600014 and also having an office being its Stressed Assets Management Branch at 7 Red Cross Place, 1st Floor, Kolkata, West Bengal- 700001.

... Applicant

- Versus-

Mr. Kanchan Dutta, Resolution Professional of BKM INDUSTRIES LIMITED (in CIRP) , having his office at Chatterjee International Centre, 14th Floor, Flat No. 13A, 33A, J.L.Nehru Road, Kolkata-700071 and Email Address: kdutta.ip@gamil.com

....Respondent

AND

TRIMURTI ASSOCIATES PRIVATE LIMITED

... Financial

Creditor

Versus

BKM INDUSTRIES LIMITED

... Corporate Debtor

Date of hearing : 14/01/2022

Order Pronounced on : 17/02/2022

Coram:

Mr. Rohit Kapoor, Member (Judicial)

Mr. Harish Chander Suri, Member (Technical)

Counsels appeared through Video Conference

1. Mr. Rishav Banerjee, Adv. } Fro Applicant(COC) in IA/15/2022
2. Mr. Rajarshi Banerjee, Adv.

1. Mr.Orijit Chatterjee, Adv. } For Respondent (RP) in IA 15/K2022
2. Ms. Swati Dalmia, Adv.
3. Ms. Ojasa Arya, Adv.
4. Mr. Shubham Raj, Adv.
5. Mr. Kanchan Dutta, RP in person

ORDER

Per: Rohit Kapoor, Member (Judicial)

1. The Court is convened by video conference today.
2. This is an application filed by the applicant under section 27 and Section 60(5) of the Insolvency and Bankruptcy Code, 2016, read with Rule 11 of the National Company Law Tribunal Rules, 2016 for seeking replacement of Mr. Kanchan Dutta, with proposed name of Mr. Pratim Bayal, having Registration No. **IBBI/IPA-001/IP-P00202/2017-18/10391**.
3. It is submitted that Mr. Kanchan Dutta, appointed as the Interim Resolution Professional by this Adjudicating Authority vide order dated 30th December, 2020.
4. It is submitted that the COC by 90.15% of the voting share has taken a decision to appoint Mr. Pratim Bayal as RP in place of RP Mr. Kanchan Dutta.

5. The minutes of 9th COC meeting held on 1st December, 2021 have been placed on record at page 104 of the I.A.
6. An application has also been filed on behalf of COC wherein it has been stated that replacement is being sought without any allegation/ adverse opinion or comment against the RP Mr. Kanchan Dutta.
7. We have considered the application and heard Ld. Counsel for the parties and perused the records.
8. We are of the view, that this application be allowed and **Mr. Pratim Bayal** is hereby appointed as the RP in place of Mr. Kanchan Dutta. Mr. Kanchan Dutta, who shall handover the record to the new RP as appointed hereinabove. COC shall clear the dues payable to Mr. Kanchan Dutta within a period of Two weeks. A Copy of order shall be send to the IBBI Board for information.
9. With the above directions, **I.A. (IB)No. 15/KB/2022** shall stand disposed of.
10. Certified copy of the order may be issued to all the concerned parties, if applied for, upon compliance with all requisite formalities.

(Harish Chander Suri)
Member (Technical)

(Rohit Kapoor)
Member (Judicial)

Order signed on, this 17th of February, 2022

Pj