



NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

25. IA/788/2022
C.P. (IB)/3630(MB)2019

CORAM:

SMT. ANURADHA SANJAY BHATIA,
MEMBER (T)

SHRI KULDIP KUMAR KAREER,
MEMBER (J)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **07.12.2022.**

NAME OF THE PARTIES: SHRI GURU CONTAINERS
VS
TARANG EXPORTS PVT LTD

SECTION : Sec 9 of IBC 2016

ORDER

IA 788 OF 2022:

Mr. Shikhil Suri and Adv. Komal Gupta, Counsels appearing on behalf of the Applicant/IRP is present through virtual hearing.

The above application has been filed by the Applicant seeking the following reliefs:

- i. Dispose of the Company Petition No. 3630 of 2019 and quash/terminate the CIRP initiated against the Corporate Debtor;
- ii. Discharge/relieve the Applicant/IRP Mr. Jitendra Palande from his duties as IRP of the Corporate Debtor;
- iii. Direct Respondent No. 1 to reimburse the total costs of Rs. 5,62,000/- incurred by the Applicant in discharge of the duties.

The counsel for the IRP/ Applicant mentioned that an order was passed on 24.02.2020 admitting the Corporate Debtor in CIRP. Subsequently, Mr. Jitendra Palande was appointed as IRP.



The counsel appearing for the Applicant/IRP submits that the Respondent No. 1 i.e. Shri Guru Containers neither paid his remuneration nor any costs/expenses incurred by the IRP in discharge of his duties. The details of the CIRP cost incurred by the Applicant is as follows:

Particulars	Total CIRP Cost
IRP Fee	4,00,000
RP Fee	
Public Announcement	12,000
Legal Expenses	50,000
Company Secretary	50,000
Out of pocket expenses	50,000
Total	5,62,000

The counsel appearing for the Applicant/IRP prayed that this Bench directs the Operational Creditors i.e. Shri Guru Containers to reimburse his costs. He further stated that no claim have been received by the IRP from any Financial Creditor or any Operational Creditor, including Shri Guru Containers, till date.

The Bench directs the IRP to file appropriate application for quashing/terminating the CIRP proceeding against the Corporate debtor.

It is noticed that vide the Bench order dated 01.06.2022, we had directed the Operational Creditor to pay the fees of IRP. The Operational Creditor sought time to reply to this and 10 days' time were given to the Operational Creditor to file his reply

After perusing the reply of the counsel Advocate on behalf of the Operational Creditor, the Bench hereby directs the Respondent No. 1 i.e.



Shri Guru Containers to reimburse the total costs of Rs. 5,62,000/- which has incurred by the Applicant/IRP to discharge his duties. The same should be paid within one week of this order and compliance filed with the Court officer.

Accordingly, the above Application is **allowed** with the above terms.

Sd/-
ANURADHA SANJAY BHATIA
Member(Technical)

Sd/-
KULDIP KUMAR KAREER
Member(Judicial)