

**NATIONAL COMPANY LAW TRIBUNAL
"CHANDIGARH BENCH, CHANDIGARH"**

**CA No. 492/2019
IN
CP (IB) No. 123/Chd/CHD/2017
(Admitted Matter)**

**Under Section 60(5) of the Insolvency
and Bankruptcy Code, 2016**

In the matter of:

Phoenix Arc Pvt. Ltd.	...Petitioner-Operational Creditor
Vs.	
Sarbat Cotfab Pvt. Ltd.	...Respondent-Corporate Debtor

And in the matter of CA No. 492/2019:-

Navneet Jain

S/o Sh. Parveen Kumar Jain
R/o Jain Street,
Samana, Patiala
Punjab-147101

...Applicant

Vs.

Manoj Sehgal,

Resolution Professional of
Sarbat Cotfab Private Limited (Corporate Debtor)
Correspondence Address:
TRC Corporate Consulting Pvt. Ltd.,
Plot No. 359, Udyog Vihar, Phase-1,
Gurugram-122015, Haryana

...Respondent No. 1

Tejinder Singh Kocher

R/o 63/B, Model Town, Patiala

...Respondent No. 2

Bhupinder Singh Mann,

Suspended Director of
Sarbat Cotfab Private Limited (Corporate Debtor)
R/o Lutki Majra, Jor Majra,
P.O. Dhanetha, Tehsil Samana,
Distt. Patiala-147001

...Respondent No. 3

Order delivered on: 09.10.2019

**Coram: Hon'ble Mr. Ajay Kumar Vatsavayi, Member (Judicial).
Hon'ble Mr. Pradeep R. Sethi, Member(Technical).**

For the applicant : Mr. Nahush Jain, Advocate
For the Resolution Professional : Mr. Atul V. Sood, Advocate

Per: Ajay Kumar Vatsavayi, Member (Judicial)

ORDER

CA No. 492/2019

This application has been filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (**Code**) by a shareholder of the Sarbat Cotfab Private Limited (**Corporate Debtor**) objecting to the resolution plan submitted by the second respondent on the ground that the ground that the second respondent is barred from submitting a resolution plan in terms of Section 29A of the Code.

2. It is stated that the applicant is a shareholder of the corporate debtor company and the Corporate Insolvency Resolution Process (**CIRP**) was initiated against the corporate debtor in pursuance of admission of CP (IB) No. 123/Chd/CHD/2017 filed by Phoenix Arc Pricate Limited, a financial creditor, on 15.02.2018. The first respondent was appointed as the Interim Resolution Professional (**IRP**), who was later again appointed as the Resolution Professional (**RP**). The second respondent submitted a resolution plan cumulatively with two other persons as a resolution applicant, which is now pending consideration before this Adjudicating Authority for approval.

3. It is stated by the applicant that the second respondent Mr. Tejinder Singh Kocher has been a business partner of one of the Suspended Directors of the corporate debtor company namely Mr. Bhupinder Singh Mann, who is the third respondent in the CA and hence, the second respondent is not eligible to be resolution applicant, in terms of Section 29A of the Code. It is also stated that the second respondent is into the business of Punjabi Music and film production, media, etc., and he is famously known as “Babbu Kocher” in the Music and Film Industry and that the third respondent, who is a Suspended Director has been an active business partner with the second respondent. The second respondent and the third respondent have acted as co-producers for many Punjabi Songs, which were produced in the name of “Prabh Films”. The third respondent is known as “B.S. Mann”. The applicant filed number of various newspaper advertisements and photographs, etc. wherein the second and third respondents were shown to be together and their names were mentioned therein. Basing on the same, the applicant seeks a declaration that the second respondent is ineligible under Section 29A of the Code to submit the resolution plan.

4. Heard Mr. Nahush Jain, learned counsel for the applicant and Mr. Atul V. Sood, learned counsel for the RP and perused the pleadings.

5. Except filing copies of the paper clippings, the applicant failed to show any valid document to prove that the second and third respondents are business partners in any firm or company. Newspaper cuttings cannot be equated with any valid legal document to show the relationship between two persons.

6. In the circumstances, we do not find any merit in the CA No. 492/2019 and accordingly, the same is dismissed. However, the applicant is at liberty to

place any valid legal document before the Resolution Professional establishing the business relationship between second and third respondents and on receipt of the same the Resolution Professional shall examine and take an appropriate action, in terms of the Code and Regulations.

Sd/-
(Pradeep R. Sethi)
Member (Technical)

October 9th, 2019
Yashpal

Sd/-
(Ajay Kumar Vatsavayi)
Member (Judicial)

Pronounced in open court Sd/- 09/10/2019