

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Ins) No.315 of 2024

In the matter of:

Noma Infrastructure Pvt. Ltd. ...Appellant

Vs.

Sushil Govindrao Uttarwar & Ors. ...Respondents

Present:

Appellant: Dr. Bharat Nagar, Advocate

Respondent: Mr. Abhimanyu Bhandari, Sr. Advocate
Mr. Shobhit Jain and Mr. Harshil K., Advocates for R-4
Mr. Saikat Sarkar, Advocate for R-2
Mr. Santosh Kumar, Advocate for R-3
Mr. Sumit Khanna and Ms. Samiksha Parekh, Advocates
for R-1

ORDER
(Hybrid Mode)

22.10.2024 - This Appeal is against an impugned Order dated 12th January, 2024, the relevant portion read as under:-

“I.A. 134/2024

Adv. Rohan Agarwal accepts notice on behalf of the present RP. In view of the prayer made for replacement of the RP, Ld. Counsel submits that, he is ready & willing to step out. In view of the statement of the Ld. Counsel, the Applicant has agreed to withdraw the present application. Let the present IRP be replaced by Mr. Dinesh Mulji Ruparel. Accordingly, the present I.A. is disposed of.”

2. It is the submission of the learned Counsel for the Appellant the learned NCLT could not have replaced the RP/IRP without their being any application by RP/IRP and without hearing the Financial Creditor. However, during the

course of hearing on 17.10.2024 it was directed to file list of empaneled IRPs/RPs with the learned NCLT, Mumbai. Such list is shown today. In view of the submissions made and in order to avoid any controversy, both sides were agreeable to suggestion to appoint IRP Mr. Bhaskar Gopal Shetty IBBI/IPA-001/IP-P01285/2018-2019/12003 from the empaneled list. Mr. Bhaskar Gopal Shetty is hereby appointed as IRP who shall act strictly in accordance with law. His appointment is subject to the consent and condition that no disciplinary proceedings are pending against him. In case the said IRP is not inclined to accept the assignment, as an alternative Ms. Neelima Anil Bhate from the empaneled list be appointed.

3. The Appeal stands disposed of in terms of the above. Pending applications also stand disposed of.

[Justice Yogesh Khanna]
Member (Judicial)

[Mr. Ajai Das Mehrotra]
Member (Technical)

rs/md