

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

Item No. 106
(IB)-461(ND)2019
IA-5721/2021

IN THE MATTER OF:

Mohit Kalkhande

... **Applicant/Petitioner**

Versus

**M/s. Set Sanayi Elektrik-Tesisat
Taahut VE Ticaret India Pvt. Ltd.**

... **Respondent**

Under Section: 9 of IBC, 2016

Order delivered on 13.12.2021

CORAM:

**SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)**

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

PRESENT:

RP Lokesh Khadaria

Mr. Rajesh Mittal, IRP

Mr. Kunwarpreet Singh and Mr. Prakul Thadi, PCS

ORDER

IA-5721/2021- Mr. Rajesh Mittal, IRP appeared and submitted that after he was appointed as IRP in IB-461/2019 vide order dated 30th November 2021 of this bench, he came to know that the CIRP against the Corporate Debtor was initiated by the Coordinate Bench V of NCLT, New Delhi in IB 2640/ 2019 on 12th October 2021 and Mr. Lokesh Khadaria was appointed as IRP.

Heard the IRPs of both the IB-461/2019 and IB-2640/2019 as well as the Operational Creditor of IB-461/2019 and perused the averments made in the application.

On query, the Operational Creditor of IB-461/2019 replied that he had no knowledge about initiation of the CIRP against the Corporate Debtor for which he could not inform the Bench.

Considering the facts and submissions of the case, since the CIRP against the same Corporate Debtor has already been initiated by the Coordinate Bench V of NCLT vide order dated 12th October 202 prior to the order in the present case, we hereby recall the order dated 30th November 2021 passed in the

(Sapna)





present matter i.e., IB-461/2019. The Operational Creditor in the case herein is at liberty to raise his claim before the IRP of IB-2640/2019.

In view of the order passed in IB 2640/2019 on 12th October 2021, the application being **IB-461/2019** has become infructuous. Accordingly, **IB-461/2019 is Dismissed being infructuous.** The IRP appointed in **IB-461/2019 is discharged from the duty of IRP.** The Operational Creditor is directed to settle the fee and cost with the erstwhile IRP within two weeks from today.

With this, the present IA stands disposed of.

- Sd -

(L. N. GUPTA)
MEMBER (T)

- Sd -

(ABNI RANJAN KUMAR SINHA)
MEMBER (J)