

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 1314 of 2022

IN THE MATTER OF:

Gold Plaza Developers Pvt. Ltd.

...Appellant

Versus

Infra Care India

...Respondent

Present:

For Appellant: Mr. Anand Dilip Landge, Advocate.

**For Respondent: Ms. Mansha Khemka and Ms. Twinkle Khemka,
Advocates.**

ORDER

05.01.2023: This Appeal has been filed against order dated 14.10.2022 by which Adjudicating Authority has admitted Section 9 application which was filed by the Operational Creditor for payment of Rs.27,90,969/-. When the Appeal was taken by this Tribunal on 03.11.2022, following order was passed:

"ORDER

03.11.2022: *Learned Counsel for the Appellant submits that the Appellant is ready to deposit the total amount of Rs. 27,90,969/- within two weeks.*

2. Learned Counsel appearing for the Respondent submits that the Appellant did not respond even after notice.

3. Be that as it may, let Appellant deposit the said amount within two weeks from today by way of Bank



Cont'd.../

*Draft in the name of Respondent and the Bank Draft
be handed over to the Respondent.*

4. List the Appeal on 28.11.2022.

*In the meantime, in pursuance of the order
dated 14.10.2022, no further steps shall be taken.”*

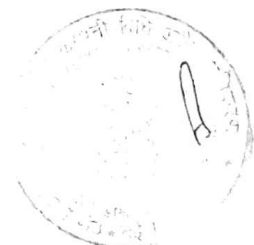
2. On 28.11.2022, counsel for the Appellant submitted that Demand Draft of Rs. 27,90,969/- has been handed over to the Respondent. Matter was adjourned on the request of the Appellant to negotiate with the Respondent regarding the amount of interest.

3. When the Appeal has been taken today, learned counsel for the Appellant as well as learned counsel for the Respondent submitted that they have already settled regarding the amount of interest, hence the matter be closed.

4. Learned counsel for the IRP submits that the IRP has incurred some expenses and he is also entitled for fees.

5. Learned counsel for the Operational Creditor submits that in pursuance of the order of the Adjudicating Authority, an amount of Rs.3 Lakhs has already been paid to the IRP.

6. After the proceedings were initiated under Section 9 interim order was passed within three weeks. The expenses incurred must be on publication. We having directed on 03.11.2022 that no further steps shall be taken in pursuance of the impugned order dated 14.10.2022, we are satisfied that



amount of Rs.3 Lakhs already paid to the IRP shall suffice towards his fee and expenses.

7. In view of the above, we see that no purpose shall be served in permitting the Section 9 proceedings before the Adjudicating Authority. Appeal is disposed of with observations as above. CIRP stands closed.



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06-01-2023
Additional Registrar/IC
National Company Law Appellate Tribunal
(Principal Office)
New Delhi

^{sd/}
[Justice Ashok Bhushan]
Chairperson

^{sd/}
[Barun Mitra]
Member (Technical)