

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 295 of 2023

IN THE MATTER OF:

Bhim Sain Goyal

...Appellant

Versus

Myntra Designs Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : Mr. P.K. Sachdeva, Advocate for RP.

For Respondents : Mr. Manish K. Jha & Mr. Kumar Kislay, Advocates.

O R D E R

01.06.2023 This Appeal has been filed by the Appellant challenging the order dated 13.01.2023 passed by the Adjudicating Authority (National Company Law Tribunal, New Delhi Bench) passed in I.A. No. 668/ND/2021 in CP (IB) No. 2516 (ND)/2019, by which the Adjudicating Authority had disposed of the I.A. No. 668/ND/2021 filed with the Resolution Professional.

2. The Resolution Professional by the I.A has made the following prayers:-

“(a) Pass the orders that the Respondent to provide complete details of the entries passed in the account of CD in their books and make payment of balance amount along with interest without any further delay.

(b) Pass such other order(s) which the Hon’ble Tribunal may deem fit and proper in the facts of the case.”

3. Learned Counsel for the Appellant submits that the prayer which was made in the Application to make payment was as per the admitted amount by them which is reflected from the statement of accounts shared to the Resolution Professional. Counsel appearing on behalf of the Respondent Nos. 1 & 2 refuted the submission regarding the entitlement of amount.

4. The Adjudicating Authority after hearing the parties has passed the following directions which is mentioned in paragraph 14, which read as under:-

“In view of the above, the Application is Dismissed with a direction to the Applicant/ RP to immediate necessary steps to seek appropriate remedy in accordance with law for recovery of the dues of the Corporate Debtor and file the status report by 15.02.2023.”

5. The Adjudicating Authority has observed that is shall be open for the Resolution Professional to take immediate necessary steps to seek appropriate remedy in accordance with law for recovery of the dues of the Corporate Debtor. The Resolution Professional thus is entirely free to take all necessary steps for recovery of the amount as per its claim.

6. We are of the view that in exercise of power under Section 19 Sub-section (2) no such directions could have been issued for recovery of the amount. The Adjudicating Authority has rightly granted liberty to the Resolution Professional to take steps

7. With the aforesaid observations we dismiss the appeal.

**[Justice Ashok Bhushan]
Chairperson**

**[Naresh Salecha]
Member (Technical)**

Sim/nn