



**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA (IBC)/5/22(3)(b)/GB/2023
IN C.P. (IB)No. 20/GB/2022**

Coram:

**Hon'ble Shri Deep Chandra Joshi, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference**

**ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 10/02/2023**

In the matter of:

State Bank of India
Versus
M/s. Brahmaputra TMT Bars Pvt. Ltd.

Section: Under Section 22(3) (b) of IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	NONE			Present in Video
2.	MR. MANISH AGARWALLA	CA	IRP in person	Conference

ORDER

The Parties are represented through respective Learned Counsel(s).

The case is fixed for pronouncement of order.

The Order is pronounced in the open court, through Video Conferencing vide separate sheet.

Sd/-

**(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority**

Sd/-

**(Deep Chandra Joshi)
Member (Judicial)
& Adjudicating Authority**



**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA (IBC)/5/22(3)(b)/GB/2023
IN C.P. (IB)No.20/GB/2022**

Coram:

**Hon'ble Shri Deep Chandra Joshi, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference**

Under Section 22(3) (b) of IBC, 2016

In the matter of:

State Bank of India
Versus
M/s. Brahmaputra TMT Bars Pvt. Ltd.

Order Delivered on 10/02/2023

ORDER

[Per: Hon'ble Shri Deep Chandra Joshi, Member (J)]

1. This Application has been filed by the Financial Creditor under sec 22(3)(b) of IBC, 2016 seeking replacement of the IRP and appointment of Mrs. Meena Sureka as Resolution Professional.

2. The Applicant submits that:

2.1 After hearing all the parties in C.P.(IB) No. 20/GB/2022 (M/s. Brahmaputra TMT Bars Pvt. Ltd. vs. State Bank of India and another), the Hon'ble Adjudicating Authority has appointed Mr. Manish Agarwalla, [Regn. No. IBBI/IPA-001/IP-P-02082/2020-2021/13198], having address at Room No. 9, 5th Floor, Parmeshwari Building, Chatribari Road, Guwahati Assam-781001, as an Interim Resolution Professional (IRP) directing the IRP to make public announcement of moratorium in respect of Corporate Debtor soon after receipt of an authenticated copy of the order and to act further as per the order /directions issued by the Adjudicating Authority and



- to follow the provisions under Section 13 and 14 and other relevant provision of the Insolvency and Bankruptcy Code, 2016.
- 2.2 In terms of the order dated 28.10.2022 passed in C.P.(IB) NO. 20/GB/2022, the IRP Manish Agarwalla had constituted a Committee of Creditors and the Committee of the Creditors in a unanimous resolution dated 29.12.2022 has decided to replace the IRP Mr. Manish Agarwalla and resolved to appoint Mrs. Meena Sureka (Regn. number IBBI/IPA-001/IP-PO1422/2018-2019/12163, Central Plaza, 6th Floor, Room No. H, 41, B.B. Ganguly Street, Kolkata-700012) as Resolution Professional.
- 2.3 The proposed Resolution Professional Mrs. Meena Sureka has given her written consent dated 08.12.2022 in FORM AA (Written Consent to act as Resolution Professional under Regulation 3(1A) of the Insolvency and Bankruptcy Board of India (Insolvency) Resolution Process for Corporate Persons) Regulation, 2016.
- 2.4 Accordingly, this application is filed for appointment of Mrs. Meena Sureka (Regn number IBBI/IPA-001/IP-P01422/2018-2019/12163, Central Plaza, 6th Floor, Room No. H, 41, B.B. Ganguly Street, Kolkata- 700012) as Resolution Professional.
- 2.5 This application is filed bonafide and for the ends of justice.

ORDER

3. Heard the Counsel of the CoC and the IRP in person. This Adjudicating Authority hereby appoints, as proposed by the COC vide its resolution dated 29.12.2022, Mrs. Meena Sureka, with Regn. number IBBI/IPA-001/IP-PO1422/2018-2019/12163 and registered office at Central Plaza, 6th Floor, Room No. H, 41, B.B. Ganguly Street, Kolkata-700012, as the new Resolution Professional. The RP is directed to submit her assignment declaration within 3 days from the date the order is uploaded on the e-portal. The RP is to ensure that the CIRP process is completed in time and in accordance with the provisions of Insolvency & Bankruptcy Code, 2016, Rules and Regulations.



4. **The CoC is hereby directed to clear, if not paid, the fees of the ex IRP/RP and CIRP cost within Seven days from today as per the provision of the Code and the judgment of the Hon'ble Supreme Court in the case of S B Electricals and Electricals Pvt. Ltd.**

5. **Hence this IA is disposed of with the above Observations.**

Sd/-

**(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority**

Sd/-

**(Deep Chandra Joshi)
Member (Judicial)
& Adjudicating Authority**