

**THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH
(through web-based video conferencing platform)**

Item 36

**IA No. 809/22, 810/22
1215/22, 1217/22, 1218/22
1219/22, 1220/22 & 1223/22
1224/22**

In

**CP(IB) No. 131/Chd/Hry/2021
(Admitted)**

**Under Section 7 & 22 & 21(6)(a)(b) IBC
2016 Regulation 17(1) IBC 2016 R 11
NCLT 2016**

In the matter of:-

Sushil Kumar & Ors

....Petitioner

Vs.

Suman Villas Pvt. Ltd.

...Respondent

Present through Video Conferencing:

Mr. Karan Gandhi, Advocate for the applicant in IA Nos.1215/2022, 1217/2022, 1218/2022, 1219/2022, & 1220/2022.

Mr. Sameer Jain, Advocate for applicant in IA No.1123/2022 and 1124/2022.

IA Nos.1223/22 & 1224/22

Heard. Issue notices of these applications to the respondent(s) for 17.10.2022. The applicant shall collect the notices from the Registry and send the same by speed post as well as by e-mail, if available, immediately to the respondent(s) at their registered address attaching therewith copy of the applications and the entire paper book and the copy of this order.

3. In case, the service of speed post on the aforesaid respondent(s) is not effected, the applicant shall adopt the mode of substituted service and the notice

of hearing be advertised in two daily newspapers (one English and one Hindi) having wide circulation in the area.

4. The applicant shall file affidavit of service supported by postal receipt, tracking report, paper clippings and copy of e-mail within two weeks.

5. Reply be filed within two weeks after receipt of notice with a copy in advance to the counsel opposite. Rejoinder thereto, if any, be filed two weeks thereafter with a copy in advance to the counsel opposite.

List on 17.10.2022.

IA Nos.809/2022 & 810/2022

List on 17.10.2022 for consideration.

IA No.1215/2022

The present application has been under Section 22 of I&B Code, 2016 read with Rule 11 of NCLT Rules, 2016 seeking appointment of Mr. Sanjay Garg, having IBBI Registration No. IBBI/IPA-001/IP-P-01865/2019-2020/12919 as a Resolution Professional in the matter of CIRP of the Corporate Debtor. It is stated by learned counsel for the applicant that this Adjudicating Authority vide order dated 08.04.2022 (Annexure 1) initiated the CIRP against the corporate debtor, namely, Suman Villas Private Limited and appointed Mr. Sanjay Garg, the applicant herein, as the Interim Resolution Professional. It has further been stated by learned counsel for the applicant that in compliance of Regulation 18 of IBBI (Insolvency Resolution for Corporate Person) Regulations 2016, the applicant called and convened the first meeting of Committee of Creditors on 07.05.2022 through video conferencing to discuss and vote upon the agenda items, *inter alia* including the appointment of the applicant to act as the Resolution Professional in the matter of CIRP of the Corporate Debtor. In compliance of Section 22 of Insolvency and Bankruptcy Code, 2016 the applicant placed his consent to act as

Resolution Professional of the Corporate Debtor in FORM-AA along with Registration Certificate and Authorization of Assignment (Annexure-5). The Committee of Creditors after detailed discussions decided to put the resolution for appointment of Resolution Professional for e-voting and in its e-voting process passed the resolution for appointment of Resolution Professional with 88.37% of majority. Copy of minutes of CoC held on 07.05.2022 along with voting result has been annexed as Annexure-6.

We have heard learned counsel for the applicant and have gone through the record carefully. Keeping in view the facts and circumstances and on account of the fact that Committee of Creditors has passed the resolution for appointment of Mr. Sanjay Garg with 88.37% of majority, we deem it fit and proper to allow the present application and accordingly Mr. Sanjay Garg, having Registration No. IBBI/IPA-001/IP-P-01865/2019-2020/12919 is appointed as Resolution Professional in the matter of CIRP of the corporate debtor. Thus, IA No.1215/2022 is allowed and disposed of accordingly.

IA No.1217/2022

Sixth Progress report for the period from 01.07.2022 to 15.07.2022 alongwith affidavit has been filed by ResolutionProfessional through counsel. The same is taken on record subject to just exceptions. Thus, IA No. 1217/2022 is disposed of accordingly.

IA No.1218/2022

Eighth Progress report for the period from 01.08.2022 to 15.08.2022 alongwith affidavit and report on reconstitution of the Committee of Creditor has been filed by Resolution Professional through counsel. The same is taken on record subject to just exceptions. Thus, IA No. 1218/2022 is disposed of

accordingly.

IA No.1219/2022

Progress report for the period from 16.07.2022 to 31.07.2022 alongwith affidavit has been filed by ResolutionProfessional through counsel. The same is taken on record subject to just exceptions. Thus, IA No. 1219/2022 is disposed of accordingly.

IA No.1220/2022

Progress report for the period from 16.08.2022 to 31.08.2022 alongwith affidavit has been filed by ResolutionProfessional through counsel. The same is taken on record subject to just exceptions. Thus, IA No. 1220/2022 is disposed of accordingly.

Sd/-
(Subrata Kumar Dash)
Member (Technical)

Sd/-
(Harnam Singh Thakur)
Member (Judicial)

September, 23, 2022
SD