

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT - IV

ITEM No. 5

IA-3253/ND/2021 in (IB)-2691(ND)2019

IN THE MATTER OF:

Laxmi Steels	...	Applicant
Vs.		
Adjoin Built & Developers Pvt. Ltd.	...	Respondent

Order under Section 9 of IBC.

Order delivered on 29.07.2021

Coram:

**DR. DEEPTI MUKESH,
HON'BLE MEMBER (JUDICIAL)**

**MS. SUMITA PURKAYASTHA,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the OC	: Mr. Animesh Rastogi, Adv.
For the IRP	: Mr. Arnav Kumar, Mr. Aditya Kumar, IRP

ORDER

IA No. 3253/ND/2021:

Application filed by the IRP who was appointed as IRP vide order dated 20.03.2020. Learned Counsel states that there was no intimation communicated to him being appointed as IRP either by Registry or by Operational Creditor or by Corporate Debtor. Since the Corporate Debtor was proceeded ex parte, it was applicant who had to take up the duty. Learned Counsel for the IRP states that it is on record that no intimation was received by the IRP. Hence, no CIRP could be commenced by said IRP. He further states that the Operational Creditor had filed an application seeking his replacement and proposed new name of IRP being IA No. 1346/ND/2021 which was not allowed but IBBI was directed to make enquiry against the IRP Mr. Aaditya who was appointed by the Bench, as to why he has not acted as IRP. Learned Counsel states that he was completely in dark with respect to all the proceedings as the copy of IA No. 1346/ND/2021 filed by the Operational Creditor was also not served on him. Hence, in view of the same, the order dated 06.07.2021 passed in IA

No. 1346/ND/2021 be set aside and enquiry ordered from IBBI be recalled. Learned Counsel appearing for the Operational Creditor states that they had received the copy of application but they were under impression that the Registry shall inform the IRP but since IRP had not come forward the amount of Rs. 2,00,000/- was also not deposited till date. It seems that the Operational Creditor is not bothered about his own claim, else for more than 330 days we do not understand how the applicant having claim of more than of crore of rupees will sit over under the impression, will not make enquiry either with registry or with the proposed IRP whose name was known to him as he had received the certified copy of the order and one fine day will make an application for change of IRP's name.

We direct IBBI not to initiate any enquiry till further orders, if any enquiry is initiated, the same be halted till further direction from this Court.

List IA No. 1346/ND/2021, IA NO. 3253/ND/2021 on **05.08.2021** with another application filed by the Operational Creditor being IA No. 190/ND/2021 which is for rectification of the order dated 06.07.2021.

Sd/-
SUMITA PURKAYASTHA
MEMBER (TECHNICAL)

Sd/-
DR. DEEPTI MUKESH
MEMBER (JUDICIAL)

MUKESH