

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

Comp. App. (AT) (Ins.) No. 294 of 2022

In the matter of:

Sh. Manoj Kumar Singh

....Appellant

Vs.

M/s. EBPL Ventures Pvt. Ltd.

...Respondent

For Appellant: Mr. Arun Kathpalia, Sr. Advocate with Mr. Abhijeet Sinha, Ms. Pooja M. Saigal, Mr. Anshul Bajaj, Mr. Simrat Singh Pasay and Mr. Chaitanya Pandey, Advocates.

**For Respondent: Ms. Prachi Johri, Mr. Anuj Tiwari and Mr. Lakshya Sachdeva, Advocates for R-1.
Mr. Navjit Singh, Advocate for R-2.**

ORDER

(Through Virtual Mode)

29.03.2022: I.A No. 873 of 2022 has been filed by the Appellant in this Appeal bringing on record the settlement with the Operational Creditor dated 27.03.2022. As per the settlement, the dispute between the parties have been settled and payment has been made by Demand Draft dated 25.03.2022 of the settlement amount less TDS.

2. This Appeal was filed against the order dated 15.03.2022 passed by the Adjudicating Authority (National Company Law Tribunal) by which the Application filed under Section 9 by the Operational Creditor has been admitted. It has been noted in our earlier order that the order of 15.03.2022 was uploaded only after court hours on 24.03.2022 and on 25.03.2022, IRP has issued public notice. Neither CoC has been constituted nor any further

steps have been take. The Settlement having been filed and entered between the parties which have brought on the record, we take the settlement on the record and set aside the order dated 15.03.2022. We further observe that the expenses for publication which was incurred by the IRP be paid by the Appellant on submission of the receipt of the payment of the publication amount. No other amount is required to be paid to the IRP.

3. The IRP further submitted that the Appellant should be directed to be make payment for Miscellaneous expenses. In the present case, the impugned order dated 15.03.2022 was uploaded on 24.03.2022 evening after Court hours and on the next date, we have stayed the order dated 15.03.2022 directing no further steps to be taken in pursuance of the impugned order. The IRP made publication on 25.03.2022 i.e. within 24 hours. Within a period of less than 24 hrs the order was stayed by this Tribunal and we are of the view that IRP is not entitled for any kind of fee or other expenses except the expenses for publication in the newspaper.

4. The Appeal is allowed with the aforesaid direction.

**[Justice Ashok Bhushan]
Chairperson**

**[Dr. Alok Srivastava]
Member (Technical)**

**[Shreesha Merla]
Member (Technical)**

Anjali/nn