

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 929 of 2020

In the matter of:

Gulshan Gaba

...Appellant

Vs.

Surinder Juneja & Anr.

..Respondents

Present

For Appellant: Mr. Dhruv Gupta, Mr. Rakesh Kumar, Ms. Priti & Mr. Gulshan Gaba, Advocates.

For Respondents: Mr. P Nagesh, Mr. Shivam Wadhwa & Mr. Surinder Juneja, For R-1.

ORDER
(Virtual Mode)

29.10.2020: Heard Learned Counsel for the Appellant Shri Rakesh Kumar and Learned Counsel Shri P. Nagesh representing the Respondents. Learned Counsel for the Appellant submits that by the Impugned Order dated 21.09.2020 Adjudicating Authority has fixed and directed CoC to pay remuneration to the Applicant/erstwhile IRP to the tune of Rs. 3,50,000/- per month for the period for which he has worked after excluding the earlier payments and the balance payment shall be made within a period of three weeks from the date of this order. Learned Counsel for the Appellant further submits that this Order is just contrary to the order passed earlier by the Adjudicating Authority on 07.01.2019 in that Order Learned Adjudicating Authority has directed the CoC to have another meeting in order to resolve the issue and decide the amount to be paid to present IRP. If the deadlock cannot

be resolved, let the matter be referred to IBBI by any of the Parties for deciding the quantum of fees payable to the 'Interim Resolution Professional'.

We are of the view that the Impugned Order is just contrary to the earlier order dated 07.01.2019, therefore, the Impugned Order is set aside. However, in the light of the earlier Order dated 07.01.2019 aggrieved party may refer the matter to IBBI for deciding the quantum of fees payable to erstwhile IRP.

With the aforesaid, the Appeal is allowed, however, no order as to cost. We hope and trust that if any Party refers the matter to IBBI then IBBI shall decide the quantum of fees expeditiously preferably within three months from the date of reference.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

Sim/nn