

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

**IA(IBC) No.490/KB/2021
in
CP (IB) No.1304/KB/2019**

In the matter of:

An application u/s. 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Regulation 33 of the IBBI (Insolvency Resolution Process For Corporate Persons) Regulations, 2016;

And

In the matter of:

Kamar Infrastructure Private Limited

...Operational Creditor

Versus

Sensitive Infra Private Limited
(CIN: U70102WB2014PTC202764)

...Corporate Debtor

And

In the matter of:

Nitesh Kumar More,
IRP of Sensitive Infra Private Limited

... Applicant

-Versus-

Kamar Infrastructure Pvt. Ltd.

... Respondent/Operational Creditor

Order reserved on: 01/04/2022

Order pronounced on: 15/06/2022

Coram:

Shri Rohit Kapoor

: Member (Judicial)

Shri Harish Chander Suri

: Member (Technical)

Appearances (through video conferencing):

For IRP : Mr. Shaunak Mitra, Adv.
Mr. Saurav Jain, Adv.

For respondent : Mr. Rishav Banerjee, Adv.
Mr. Aishwarya Kumar Awasthi, Adv.

ORDER

Per: Harish Chander Suri, Member (Technical)

1. This Tribunal convened *via* video conference.
2. This is an application filed under section 60(5) of the Insolvency and Bankruptcy Code, 2016 (**in short “IBC 2016”**) read with regulation 33 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (in short **“Regulations 2016”**) by the Interim Resolution Professional (IRP) against the respondent/operational creditor seeking directions upon the respondent/operational creditor to comply with the order of this Adjudicating Authority dated 18/02/2020 passed in CP(IB)/1304(KB)2019 by depositing Rs.50,000/- to IRP as advance fees as per regulation 33(3) of the said Regulations 2016.
3. Ld. Counsel appearing for the IRP submits that in spite of several e-mails dated 24/02/2020, 17/03/2020, 04/06/2020, 23/09/2020, 15/12/2020 and 23/03/2021, the said amount of Rs.50,000/- was not deposited with the IRP. However, after filing of this IA respondent/operational creditor has deposited the said amount of Rs.50,000/- with the IRP.
4. Public announcement was made on 25/02/2020 in “*Financial Express*” (English) and “*Amar Bangla*” (Bengali). In response to public announcement, only the petitioning operational creditor has filed its claims belatedly on 23/04/2021 and the 1st CoC meeting was held on 16/08/2021.

5. *Vide* order dated 22/07/2021, this Adjudicating Authority had granted exclusion of total 373 days from the CIRP period thereby the CIRP period has ended on 23/08/2021.
6. During the CIRP period the IRP has claimed that he has incurred a total expenditure of Rs.6,12,730/-, which is inclusive of his fees of Rs.2,00,000/- plus applicable GST.
7. We have perused the documents and heard the Ld. Counsel on both sides. Be that as it may, we hereby order that a lump sum amount of Rs.3,00,000/- shall be paid to the IRP by the respondent/operational creditor towards IRP's fees and CIRP costs in full and final settlement of the claim of the IRP.
8. The application bearing **IA No. 490/KB/2021** shall stand disposed of in accordance with the above directions.
9. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
10. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

Signed on this, the 15th day of June, 2022.

hb.