

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

**COURT-IV**

**I.A.(IBC)/6070/2023**  
**IN**  
**C.P.(IB)No.199/2018**

**IN THE MATTER OF:**

**M/s. HVR INDUSTRIES PRIVATE LIMITED**

**... Operational Creditor**

**Versus**

**M/s. BINDAL AND BINDAL BATTERIES (P) LIMITED**

**... Corporate Debtor**

**AND IN THE MATTER OF:**

**ANSHUJ DHINGRA**

**.....RESOLUTION PROFESSIONAL**  
**/ APPLICANT**

**VERSUS**

**COMMITTEE OF CREDITORS (COC)**

**THROUGH ITS SOLE MEMBER HVR INDUSTRIES (P) LTD.**

**.....RESPONDENT**

**CORAM:**

**SH. MANNI SANKARIAH SHANMUGA SUNDARAM,**  
**HON'BLE MEMBER (JUDICIAL)**

**DR. SANJEEV RANJAN,**  
**HON'BLE MEMBER (TECHNICAL)**

**Order Delivered on: 09.04.2024**

## **ORDER**

**PER: SH. MANNI SANKARIAH SHANMUGA SUNDARAM, MEMBER (J)**

The interlocutory application i.e. I.A.(IBC)/6070/2023 is filed on behalf of Mr. Anshuj Dhingra ('applicant'), Resolution Professional of M/s. Bindal and Bindal Batteries (P) Limited under Section 60(5) of Insolvency and Bankruptcy Code, 2016 ('Code') read with Rule 11 of the National Company Law Tribunal Rules, 2016 ('NCLT Rules') seeking the following prayer(s):-

- a) Direct the Respondent Sole Member CoC to pay to the Resolution Professional the accumulated CIRP costs as detailed and quantified under Annexure -A to the present application reduced by an amount of Rs. 2,00,000/- already paid in terms of the CIRP order;
- b) Decide the fee payable to the Resolution Professional for period after the order dated 20.02.2023 passed by the Hon'ble Apex Court and quantified under Annexure-B to the present application. 7 B C and direct the Respondent-CoC to pay the same.
- c) Any other relief which this Hon'ble Tribunal may deem fit and proper in the facts of the present case.

2. Briefly stated the facts of the present case as averred by the applicant in the application are that the above IB/199/PB/2018, an application filed under Section 9 of the Code, 2016 was admitted by this Adjudicating Authority vide order dated 10.03.2022. As against this Adjudicating Authority's order dated 10.03.2022, an appeal was filed before the Hon'ble NCLAT in Company Appeal No. 482/2022, which was dismissed by the Hon'ble NCLAT vide its order dated 02.05.2022. As against the order of Hon'ble NCLAT, a Special Leave Petition ('SLP') was filed before the Hon'ble Supreme Court of India and the same was disposed of vide order dated 20.02.2023 wherein a direction was issued to this Adjudicating Authority to determine the fees payable to the Resolution Professional.

3. The Applicant further submits that since the very inception of the CIRP commencement, the Applicant has been incurring CIRP costs for the effective resolution of the Corporate Debtor and which are yet to be paid to the Applicant by the Respondent CoC necessitated as per the mandate of the Code and the Respondent CoC till date has only paid an amount of Rs. 2,00,000/- [Rs. Two Lakhs Only] that too as per the directions contained under the CIRP commencement order but no further. Accordingly, this present application.
4. We have heard the Learned Counsel for the Applicant and perused the records. On perusal of the case records, this Adjudicating Authority observed that the Hon'ble Supreme Court's order dated 20.02.2023 in Civil Appeal No. 6996 was placed before this Adjudicating Authority vide order dated 03.08.2023 through IA No. 4396/ND/2023. Accordingly, this Adjudicating Authority had directed the Resolution Professional to move an application with regard to settlement of fee of the Resolution Professional with clear details as to how the amount claimed is in consonance with the fee schedule prescribed by IBBI and in compliance of this Adjudicating Authority's direction the Applicant had filed the present Application.
5. The sole and substance of the present application is the dispute between the Resolution Professional and the Committee of Creditors('CoC') with regard to the CIRP cost. This Adjudicating Authority is of the view that the said issue requires detailed analysis of the nature of the service(s) rendered by the Applicant in the CIRP of the Corporate Debtor vis-a-vis the charges and expenses claimed by Applicant. We deem it necessary to refer this matter to IBBI for detailed enquiry and findings.
6. Let, the IBBI quantify the CIRP cost including fees in this matter and submit the report before this Adjudicating Authority within a period of three (3) weeks from the receipt of notice of the present order.

7. The Parties are directed to submit all the required documents before the IBBI which are necessary for the adjudication of the present matter.
8. The Court officer is directed to serve the copy of the present order to IBBI, Applicant and Respondent.
9. List the instant Interlocutory Application on 05.06.2024

**Sd/-**

**(DR. SANJEEV RANJAN)  
MEMBER (T)**

**Sd/-**

**(MANNI SANKARIAH SHANMUGA SUNDARAM)  
MEMBER (J)**