

**IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD**  
**COURT - 2**

Item No.211 – Cont.P/ 02 of 2022  
Item No.212 – IA 491 of 2021  
In  
CP(IB) 420 of 2018

**Proceedings under Section 7 IBC**

**IN THE MATTER OF:**

Bank of India

.....Applicant

V/s

Eskay K 'N' IT (India) Ltd

.....Respondent

**Order delivered on 13/07/2022**

**Coram:**

Dr.Deepti Mukesh, Hon'ble Member(J)  
Ajai Das Mehrotra, Hon'ble Member(T)

**PRESENT:**

For the Applicant	: Mr. Arjun Sheth, Adv. for erstwhile IRP
For the Respondent	: Mr. Atul Sharma, Adv. for Resolution Professional
For the CoC	: Ms. Anushri Soni, Adv. for Mr. Minesh Soni,
For Respondent No.1	: Mr. Mokshya Vyas, Adv.

**ORDER**

**Cont.P/02 of 2022**

Learned Counsel Mr. Seth for the erstwhile IRP states that order dated 20.08.2020 directing the Resolution Professional to pay the remuneration of IRP is not complied. Learned Counsel Mr. Sheth states that for non-compliance of the said order, this application was filed by the erstwhile IRP, in January 2020. Email by CoC members dated 09.08.2021 recording that the amount of remuneration is remitted with Resolution Professional by all the CoC members and the Resolution Professional had to pay to the erstwhile IRP and comply the order dated 20.08.2022. In view of the payment made in the account of the Corporate Debtor by CoC, nothing survives against CoC respondent no.2 to 8. Resolution Professional Mr. Subrata Maity against whom this application was filed is replaced by Mr. Ajit Kumar as Resolution Professional of the Corporate Debtor. Learned Counsel Mr. Sharma for the present Resolution Professional states that Mr. Maity is not cooperating and handing over the records and documents to the present Resolution Professional and present Resolution Professional is in difficulty to make any submissions / comply any orders. Request is made by Resolution Professional for time to take steps for compliance of order. We direct the present Resolution Professional to take expeditious steps for taking over the charge of the Corporate Debtor and comply the present order by

making payment to the applicant erstwhile IRP in compliance of order dated 20.08.2020 within four weeks and file the compliance report. Application stands disposed of.

**IA 491 of 2021**

Application is filed by Resolution Professional against one of the tenant as respondent no.1 and District Collector, Solan, Himachal Pradesh as respondent no.2. None appears for Respondent No.2 neither any reply is filed. Respondent No.2 is proceeded ex-parte. Learned Counsel Mr. Vyas appeared for Respondent No.1 states that reply is filed and they have challenged the maintainability on the ground of jurisdiction. Learned Counsel for the applicant states that in view of non-receipt of any documents from previous Resolution Professional, they are unable to make any submission.

List on 08.09.2022.

-Sd-

**AJAI DAS MEHROTRA  
MEMBER (TECHNICAL)**

-Sd-

**DR. DEEPTI MUKESH  
MEMBER (JUDICIAL)**