

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT-II

IA 5409 of 2023

In

CP (IB) 575 of 2023

Under section 60(5) of the Insolvency and
Bankruptcy Code, 2016 and the Provisions of
the Rule 11 of the NCLT Rules, 2016

IN THE MATTER OF

Mrs. Dakshata Rajesh Singh

Proprietor of M/s Ved Communications

**No. 3 Siddhant Apartments, Bhaskar
Colony Opposite Times of India Building
Naupada, Thane – 400602.**

... Applicant

IN THE MATTER OF

Mrs. Dakshata Rajesh Singh

Proprietor of M/s Ved Communications

... Operational Creditor

V/s.

**M/s R K S Home Solutions Marketing and
Consultancy Pvt. Ltd. (RK Homes)**

Plot No. 601/609, Vasudeo Chambers,
Mulund-Goregaon Link Road, Off. Mulund,
Opp. D Mart, Nahur, Hiranandani Estate
Thane (W), 400607.

... Corporate Debtor

Order delivered on :- 23.01.2024

Coram:

Hon'ble Shri Kuldip Kumar Kareer, Member (Judicial)

Hon'ble Shri Anil Raj Chellan, Member (Technical)

Appearances:

For the Applicant : Adv. Pritesh Burad
For the Respondent/IRP : Adv. Akshay Petkar a/w Aditya Nair

ORDER

Per: - Kuldip Kumar Kareer, Member (Technical)

1. This Application has been filed by the Applicant for appointing Atul Narayan Naik, having IBBI Registration No. IBBI/IPA-003/IP-N00385/2021-2022/14011 as Interim Resolution Professional in place of Udaykumar Bhaskar Bhatt, having IBBI Registration No. IBBI/IPA-001/IP-P-01425/2018-2019/1223.
2. We have heard the Counsel for the Applicant and have perused the records.
3. Perusal of the records reveals that when the Application u/s 9 of the Code, 2016 was filed by the Applicant, no IRP was suggested/proposed for appointment of IRP. Therefore, Mr. Udaykumar Bhaskar Bhat having registration no. IBBI/IPA-001/IP-P-01425/2018-2019/1223 was appointed by this bench vide order dated 10.11.2023. Perusal of the records further shows that after filing the Petition the Applicant submitted Form-2 proposing the name of Mr. Atul Narayan Naik which was not brought to the notice of this bench at the time of the arguments. Hence, Mr. Udaykumar Bhaskar Bhatt was appointed by this bench from the list of the IRPs prepared and approved by the IBBI. Under this circumstance when the IRP has already been appointed, there appears to be no reasonable/ground to

change the previously appointed IRP. Therefore, we find that the present Application is without any merit and dismissed accordingly.

IA 5409 of 2023 is dismissed.

Sd/-
ANIL RAJ CHELLAN
Member (Technical)
ANKIT

Sd/-
KULDIP KUMAR KAREER
Member (Judicial)