



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 402
(IB)-350(PB)/2021

IN THE MATTER OF:

Mr. Amit Joshi & Ors. ... Applicant/Petitioner
Vs
Gayatri Infra Planners Pvt Ltd. ... Respondent

Order under Section 7 of the Insolvency & Bankruptcy Code, 2016(CIRP).

Order delivered on 22.01.2025

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH KUMAR SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Mr. Simrat Singh Pasay, Adv.
For the Respondent :

ORDER

New IA-427/2025

1. The relief sought in the application is as follows:

- a)** Allow the present application and substitute Mr. Nilesh Sharma with an IRP that this Hon'ble Tribunal deems fit from the list of Registered Insolvency Professionals as maintained by IBBI;*
***b)** Pass such further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case."*

2. This is an application filed by the homebuyer seeking the substitution of Mr. Nilesh Sharma, Resolution Professional with a new IRP for the reason that the present IRP Mr. Nilesh Sharma has been selected as a Member of the NCLT and he has to be discharged from his duties as IRP.

3. It is also stated that the admission order dated 28.03.2023 under Section 7 of the Code by which Mr.



Nilesh Sharma has been appointed as IRP in a subject matter of challenge before the Hon'ble NCLAT where the constitution of the CoC has been stayed.

4. It is pleaded by the Ld. Counsel Mr. Simrat Singh appearing for the applicant/homebuyers. Since the constitution of CoC has been stayed by the Hon'ble NCLAT no further proceedings have taken place in this case since then.
5. In the Meanwhile, due to a change in circumstances, Mr. Nilesh Sharma has been appointed as a Member of NCLT. The need for replacement has become imperative and necessary, accordingly, the present application has been filed.
6. At this stage, none of the Respondents will be prejudiced if there is a change of the IRP because no further steps have been taken place post the admission order.
7. Taking note of the above final position, we are not inclined to issue notice to any other parties at present. No prejudice will be caused to anybody. Accordingly in the interest of justice, the present application is allowed.
8. The Applicant/homebuyer has proposed the name of the IRP. Accordingly, we are inclined to appoint Mr. Manoj Kulshrestha as IRP in the matter as Interim Resolution Professional in the place of Mr. Nilesh Sharma. The details of newly appointed IRP is as follows:

IBBI Registration No: IBBI/IPA-003/IP-N00005/2016-17/10024

Email ID : costadviser@hotmail.com



9.IA-427/2025 is **allowed and stands disposed of.**

10.The Applicant and his counsel are directed to make available the copy of this order along with a copy of the application and documents to Mr. Manoj Kulshrestha, Interim Resolution Professional by all modes for information and necessary compliance.

11.The newly appointed IRP Mr. Manoj Kulshrestha is directed to file his written consent and AFA within 3 days.

-sd-

**(RAMALINGAM SUDHAKAR)
PRESIDENT**

-sd-

**(AVINASH KUMAR SRIVASTAVA)
MEMBER (TECHNICAL)**

Dipak – 22.01.2025