

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**COURT - IV**

**ITEM No. 105**

**IA No.- 1269/ND/2020 in IB- 1583/ND/2018**

**IN THE MATTER OF:**

Rahul Mittal ... Applicant/Petitioner

Vs

BR Kohli Buildtech Pvt. Ltd. ... Respondent

**Order under Section 9 of IBC.**

**Order delivered on 04.12.2020**

**Coram:**

**DR. DEEPTI MUKESH,  
HON'BLE MEMBER (JUDICIAL)**

**MS. SUMITA PURKAYASTHA,  
HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the IBBI : Mr. Abhishek Kumar,

For the Respondent :

**ORDER**

**IA-1841/ND/2020:**

Application filed by the IRP seeking direction against the Operational Debtor to pay the sum of Rs. 2 lakhs as per the order of the Bench dated 03.02.2020. Despite the order the amount of Rs, 2 lakhs was not deposited with the IRP. The Learned Counsel appearing for the Operational Creditor states that on 04.02.2020, the parties had intimated the IRP that the matter is settled between the parties on

27.01.2020. In the month of March due to declaring of the lockdown the application could not come up for hearing. Hence, the IRP filed an application 4015 of 2020 seeking early hearing of IA-1269/ND/2020 wherein he had annexed the working chart of his fees claiming to have been the expenses and his fees inclusive for Rs. 1,83,000. The application for urgent listing was allowed and today IA-1269/ND/2020 has come up for hearing. Admittedly, the order of initiation of the CIRP was passed on 14.01.2020 and the intimation with respect to the settlement was given to the IRP on 04.02.2020. and roughly for a month the IRP had worked and incurred expenses.

After perusing the chart Annexure-D in the application 4015 of 2020 and after hearing the Learned Counsel for the Operational Creditor as well as the Learned IRP and considering the submissions made and documents placed before us we arrive at the figure of Rs. 1 lakh in total to be paid to the IRP which should be shared equally by the Operational Creditor and the Corporate Debtor. Application is allowed in terms of above and disposed of accordingly.

**IA 1272 of 2020:**

The application filed for withdrawal of the insolvency application IB-1583/ND/2018 filed by the Operational Creditor under Section 12(a)

since the CoC was not constituted. The Learned Counsel for the applicant/operational creditor states that the Memo of Understanding duly executed between the parties on 27.01.2020 is also annexed with the application. The Learned Counsel seeks that the application be allowed. As per the last order, application for withdrawal also was to be listed today but is not listed. Hence, we allow the application to be mentioned for consideration.

In view of the issue of payment of the IRP fees, already been resolved the IA is disposed of. Considering the submissions made and deciding the issue of IRP fees in IA 1269/ND/2020 and disposing the said application, we allow this application seeking withdrawal of the insolvency application. IA is allowed. Thereby IB- 1583/ND/2018 stands withdrawn and disposed of accordingly.

**Sd/-**  
**SUMITA PURKAYASTHA**  
**MEMBER (T)**

**Sd/-**  
**DR. DEEPTI MUKESH**  
**MEMBER (J)**