

NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
SPECIAL BENCH, COURT-II

IA No. 5161/(ND)/2021

IN

C.P. No. (IB)-1138/(ND)/2018

IN THE MATTER OF:

ITENDERPAL SINGH

S/o Sh. Ram Singh
R/O H/ No.76A & 78A, Chopra,
Nainital, Uttarakhand – 263127

...APPLICANT

Vs.

SH. ASHOK KRIPLANI

Resolution Professional of
M/s. Nibula Print & Pack Pvt. Ltd.
10/18, FF, Old Rajender Nagar
New Delhi –110060

...RESPONDENT

IN THE MATTER OF:

R. J. Packwells Pvt. Ltd.

...OPERATIONAL CREDITOR

Versus

Nibula Print & Pack Pvt. Ltd.

...CORPORATE DEBTOR

Section: 60(5) of IBC, 2016

Order Delivered on: 04.03.2022

CORAM:

SH. BHASKARA PANTULA MOHAN, HON'BLE MEMBER (JUDICIAL)

SH. L. N. GUPTA, HON'BLE MEMBER (TECHNICAL)

PRESENT:

**For the Applicant : Mr. Shailendra Singh & Ms. Muskaan Garg,
Adv. for RP**

**: Sanjeev Panda Advocate for Sh. Itenderpal
Singh, (Ex- director of the suspended
management of the corporate debtor.)**

ORDER

PER SHRI L. N. GUPTA, MEMBER (T)

Mr. Itenderpal Singh, being the Ex-Director of the suspended management of the Corporate Debtor ("**Applicant**") has filed the present Application under Section 60(5) of Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the "**Code**") r/w Rule 11 of the NCLT Rules 2016 seeking the following directions against Sh. Ashok Kriplani, being the Resolution Professional ("**Respondent**") of the M/s Nibula Print & Pack Pvt. Ltd. ("**Corporate Debtor**") :

- "A. Take note of the biased conduct of the respondent/RP towards ex-management which is reflecting in the tone and language preferred by the Ld. RP thus violating the provisions of the Code*
- B. Take note of the conduct of the respondent/Resolution professional in conducting the CIRP of the corporate debtor which is against the provisions of the IBC, 2016 and its regulations and take appropriate actions against the respondent/RP; and/or;*
- C. Direct the Respondent/RP to share the documents/information requested by the applicant which is very vital for him to cooperate with the respondent herein as mentioned in the present application particularly in para 31 of the present application; and/or;*
- D. To consider the application bearing CA 1522 of 2019 filed by the applicant and dispose off the same on merits; and/or;*

- E. Declare the resolution plans submitted by the consortium and approved in the 15th Committee of Creditors (COC) meeting as bad in law and /or;*
- F. Allow the applicant to submit its formal resolution plan removing the defects, if any, considering the fact that it provides the maximum value to the corporate debtor in the shortest period (180 days) while the provisions of Section 29A (g) IBC does not attract at this stage; and/or;*
- G. Direct the respondent to strictly follow the compliances as stipulated in the code, as pointed out by the applicant before 14th COC meeting and/or;*
- H. To restrain the respondent to take any action on the personal properties of the promoters/guarantors/suspended directors which is against the of IBC, 2016; and/or;*
- I. Direct the to call for a meeting and consider the plan of the applicant and/or;*
- J. Pass such order(s)/direction(s) as this Hon'ble Tribunal may deem fit in facts and circumstances of the case.”*

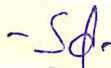
2. Through this IA, the Applicants have sought permission to file Resolution Plan of the Corporate Debtor. It is stated by the Applicants that they are wrongly held ineligible under Section 29A(g) of IBC, 2016. Further, this IA has also been filed as an objection to the Resolution Plan, which has already been approved by the CoC in its 15th CoC meeting.

3. Since the outcome of this IA may have bearing on the Resolution Plan already filed by the RP vide CA-512 of 2019, which is pending for consideration and coming up for hearing before the regular Bench on

07.03.2022, therefore, it would be in the interest of justice that both the Applications are heard and decided together.

4. Accordingly, the matter is de-reserved.

5. List the matter before the regular Bench on 07.03.2022.


(L. N. Gupta)
Member (T)


(Bhaskara Pantula Mohan)
Member (J)