

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) Insolvency No. 682 of 2023

IN THE MATTER OF:

RP Modern Syntex (India) Ltd.

...Appellant

Versus

Supdt. of Police Anandpura, Vadodra Gujarat & Ors.

...Respondents

Present:

For Appellant: Mr. Ashutosh Kumar Mishra, Advocate

For Respondent: Mr. Deeptakirti Verma, Advocate for R-3

ORDER

29.05.2023: Heard Learned Counsel for the Appellant.

2. This Appeal has been filed against the Order dated 28th March, 2023 by which I.A. No. 614/JPR/2022 & I.A. No. 10/JPR/2023 has been disposed of. The Applications were filed by the Appellant-Resolution Professional where the following prayers were made in I.A. No. 614/JPR/2022:

“(a) The necessary directions may kindly be issued to the respondents for deployment of adequate police/gunmen’s at site address located at Petrofils Division, Bamangam, Taluka; Karjan, Distt. Baroda (Gujarat) for safeguarding the site premises along with entire assets therein belonging to the corporate debtor which is presently in the custody of the applicant resolution professional.

“(b)Any other order which this hon’ble tribunal deem fit in the light of facts and circumstances of case may also be passed in favour of applicant.”

3. In I.A. No. 10/JPR/2023, following prayers were made:

“A. Director to respondent 1 &/or 2 in recovering the entire value of the assets (plant-machineries-spares etc...) which has been illegally stripped off.

B. Value-proceeds recovered in terms of prayer clause 'A' to be permitted to be credited in the CIRP Account.

C. Any other relief in terms of prayer 'A' & 'B' and given the facts and circumstances of the present case."

4. It appears that on the date fixed, the Sub-Inspector of Police appeared before the Adjudicating Authority and considering the response, the Adjudicating Authority has discharged the sub-inspector of police. We do not find any error in the Order of the Adjudicating Authority discharging the sub-inspector. The prayers which were made in the Applications could not have been allowed by the Adjudicating Authority. We thus are of the view that no error has been committed by the Adjudicating Authority disposing of the Applications. We however make it clear that this order shall not preclude the parties to file appropriate application before the Adjudicating Authority.

5. We are of the view that Resolution Professional should know that what prayers may be granted by the Adjudicating Authority and prayers which were made by the Resolution Professional requesting the Adjudicating Authority to direct deployment of police/gunmen at the site was wholly uncalled for. For security of private property, the RP has to hire security personnel for which payment has to be made for them. Prayers in the Applications were wholly inappropriate and has rightly been not considered. The Appeal is dismissed.

**[Justice Ashok Bhushan]
Chairperson**

**[Naresh Salecha]
Member (Technical)**

Basant/nn

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