

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 704 of 2025

IN THE MATTER OF:

Ashok Tiwari

...Appellant(s)

Versus

DBS Bank India Ltd. (DBIL) &Anr.

...Respondent(s)

Present:

For Appellant(s) : Mr. Saurabh Kripal and Mr. Abhijeet Sinha Sr. Advocates a/w Mr. Shashwat Anand, Mr. Gunjesh Ranjan, Mr. DruvVig, Mr. Anil Kumar, Mr. Abhishek Kumar Gupta and Mr. Anirudh Singh Advocates.

**For Respondent(s) : Mr. Harshit Khare& Mr. Prafful Saini, Advocates for R7.
Mr. Brijesh Kumar Tamber& Mr. Prateek Kushwaha, Advocates for R2 to R6/ CoC.**

ORDER
(HYBRID MODE)

28.05.2025: In this appeal removal of RP and appointed of the another RP is under challenge. The backdrop for this proceeding may be replaced it. Backdrop of this case is introduce briefly by the counsel for the appellant which runs as belows.

2. The CIRP was initiated under Section 7 by certain financial creditors of the corporate debtor. And IRP was appointed and he constituted a CoC. However, the responce 2 to 6 were thus, in debtor to form of the CoC. However, their legitimacy to stay in the CoC is being questioned I. A. No. 4742 of 2024, and its pending Adjudicationed by the Adjudicating Authority.

3. Let be questioned in I.A. No. 4742 of 2024 In the meantime respondents no. 2 to 6 have constituted to themselves to promote the RP originally appointed and another person as the Resolution Professional.

4. This court given to understand by the counsel for the respondents then, removal of RP was based on CoC as an entity in which majority took the view to remove the RP except two members therein.

5. The Appellant is that when very continuation of Respondent no. 2 to 6 is under cloud in view of the pendency of I.A. 4742 of 2024, action of CoC to remove the RP and replaced it with another RP and it's a back in law.

6. The counsel for the Respondent No. 2 to 6 submitted that initially that claim of these respondents were not considered by the IRP and therefore the CoC moved the Adjudicating Authority take into accounts their claims and it appears before the Adjudication Authority. The RP has made a statement to consider that claims and she did consider and admitted these respondent No. 2 to 6 provisionally into CoC.

7. The Ld. Counsel for the Respondent no. 2 to 6 stated that an affidavit has been filed before the court bringing in all the facts but the copy has not received. There is some confusion of this affidavit was served on the counsel for the appellant/RP and counsel for the Respondent no. 2 to 6 is required to ascertain the same. In the circumstances of this court only required the second RP appointed his hands off till the next date of hearing of this case. It is clarify his appointment is not get stay but is only required not to do any for the act pursue in her appointment.

List the appeal on **14.07.2025**.

[Justice N. Seshasayee]
Member (Judicial)

[Barun Mitra]
Member (Technical)

Shweta/NN