

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) Insolvency) No. 1129 of 2020

IN THE MATTER OF:

**Ranjeet Kumar Verma
(Erstwhile IRP)**

...Appellant

Versus

**Committee of Creditors of Straight Edge
Contract Pvt. Ltd.
(Through Resolution Professional)**

...Respondent

Present: -

**For Appellant: Mr. Shailendra Singh and Mr. Abhishek Parmar,
Advocates.**

**For Respondent: Mr. GP Madan and Ms. Sonali Jain, Advocates for
Respondent.**

**O R D E R
(Virtual Mode)**

04.01.2021 The only issue raised in this Appeal against replacement of Appellant – Interim Resolution Professional by Mr. Ankit Sinha, Resolution Professional with 100% vote share of the Committee of Creditors is that the Committee of Creditors was related to the ‘Corporate Debtor’ and the decision was taken collusively.

After hearing Shri Shailendra Singh, learned Counsel for the Appellant, we are of the considered opinion that the Appeal is not maintainable. It is indisputable that in terms of provisions of Section 22 of the Insolvency and Bankruptcy Code, 2016 (for short the ‘I&B Code’), the Committee of Creditors is vested with powers of either resolving to appoint the Interim Resolution Professional as a ‘Resolution Professional’ or to replace him by another ‘Resolution Professional’. Before amendment of the provision, the Interim

Resolution Professional had a fixed tenure of 30 days, but after amendment, the statute permits the Interim Resolution Professional to continue till he is replaced by the Committee of Creditors.

In the instant case, it is not disputed that the replacement has been done by the Committee of Creditors with 100% vote share, the requisite vote share being 66%. It is indisputable that the Appellant has no vested legal interest and he has no right to continue once the decision is taken by the Committee of Creditors to replace him. He has no *locus standi* to maintain the Appeal as he cannot claim invasion of any of his legal rights and under the I&B Code, we say so because the Interim Resolution Professional is not a stake holder. That apart, Committee of Creditors which decided to replace Appellant was itself constituted by the Appellant and he would not be permitted to argue that the constitution of Committee of Creditors was bad.

We find no merit in this Appeal. The same is accordingly dismissed.

**[Justice Bansi Lal Bhat]
The Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**