

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

**Company Appeal (AT) (Insolvency) No. 939 of 2020**

**In the matter of:**

**Pankaj Vijayan**

**....Appellant**

**Vs.**

**Resolution Professional of Siddhi Vinayak Logistics  
Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Gaurav Agrawal, Mr. Rachita Garg, Advocates. Mr.  
Pankaj Vijayan (in person)**

**Respondent: Ms. Misha, Ms. Moulshree Shukla, Advocates.**

**ORDER**

**(Through Virtual Mode)**

**19.01.2021:** The short issue involved in this appeal is in regard to the retainer-ship and fee admissible for appearance at five hearings and the cost involved payable to Appellant who is based in Bombay but attended hearings in Delhi.

Having heard learned counsel for the parties, we find that the Respondent- Financial Creditor had proposed retainer-ship fee of Rs.25,000/- per month. This is reflected in the communication dated 16<sup>th</sup> September, 2017 at page 40 of the appeal paper book and further borne out from the communication dated 8<sup>th</sup> February, 2018 at page 48 as Annexure A-5 of the appeal paper book. It is submitted by learned counsel for the Appellant that he has travelled from Mumbai to Delhi for attending the hearing on five occasions involving spending of two days on each occasion and that the assignment lasted for slightly over three months. After his efforts on persuading the Adjudicating Authority to compensate him adequately proved to be abortive, he had to file the instant appeal and also engage a counsel.

Contd/-.....

Taking all these relevant factors into consideration, we are of the considered opinion that an amount of Rs.3,00,000/- would be commensurate with compensation claim on all counts. We are conscious of the fact that this is not a respectable figure, given the nature of the professional duties discharged by a counsel but what weighs in our mind in taking a conservative view is the fact that the Corporate Debtor is in liquidation.

Ms. Misha, Advocate representing the Respondent submits that while other payments on different counts may not be reckoned while computing the balance payment, the amount of Rs. 30,000 paid as professional fees may be adjusted. This is a reasonable suggestion and accepting the same, we direct that the balance amount of Rs.2,70,000/- be paid by the Respondent to the Appellant within two weeks.

The appeal is disposed off.

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

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

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

**AR/g**