

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1018 of 2019

IN THE MATTER OF:

Mr. S. Rajendran, Resolution Professional
of PRC International Hotels Private Limited Appellant

Vs

Jonathan Muralidarane Respondent

Present:

For Appellant: Mr. Rajiv S. Rom, Avrojyoti Chatterjee, Mr. Abhijeet S. Roy and Ms. Jayasree Saha, Advocates.

For Respondent:

ORDER

01.10.2019 Mr. S. Rajendran, 'Resolution Professional' collated the claim of Jonathan Muralidarane ('Financial Creditor') and held that claimed amount as Nil. Against the determination Jonathan Muralidarane ('Financial Creditor') filed application under Section 60(5) before the Adjudicating Authority (National Company Law Tribunal), Single Bench, Chennai, which after considering the records and notice to the 'Resolution Professional', accepted the total claim.

2. The 'Resolution Professional' has challenged the decision of the aforesaid order dated 31st July, 2019.

3. Having heard learned Counsel for the Appellant, we are of the opinion that the 'Resolution Professional' had no jurisdiction to "determine" the claim as pleaded in the Appeal. He could have only "collated" the claim, based on evidence and the record of the 'Corporate Debtor' or as filed by Jonathan Muralidarane ('Financial Creditor'). If an aggrieved person thereof moves before the Adjudicating Authority and the Adjudicating Authority after going through all the records, comes to a definite conclusion that certain claimed

amount is payable, the 'Resolution Professional' should not have moved in Appeal, as in any manner, he will not be affected.

4. The Appeal is accordingly dismissed. In the facts and circumstances, though we are inclined to impose costs, but on the request of the Counsel for the Appellant, we are not imposing any costs on the Appellant.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

Ash/GC