

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

**Company Appeal (AT) (Insolvency)No. 1381 of 2019**

**IN THE MATTER OF:**

**Mr. Arun Chadha**

**.....Appellant**

**Vs.**

**M/s Bimla Maru Fashions Pvt. Ltd.**

**.....Respondent**

**Present :**

**For Appellant:**

**Mr. Kunal Tandon, Ateepriya Bhatia, Ms. Niti Jain,  
Advocates**

**O R D E R**

**02.12.2019** - Having heard learned counsel for the Appellant and being satisfied with the grounds, delay of eight days in filing the appeal is hereby condoned. I.A. No. 3922 of 2019 stands disposed of.

This appeal has been preferred by Mr. Arun Chadha, the 'Interim Resolution Professional' of 'Bimla Maru Fashions Pvt. Ltd. against the order dated 29<sup>th</sup> July, 2019 passed by the Adjudicating Authority ('National Company Law Tribunal') New Delhi Bench, Court No. III. The Adjudicating Authority referred the matter to The Insolvency and Bankruptcy Board of India (**IBBI**), calling for a report about conduct of 'Interim Resolution Professional' which reads as follows: -

**CA No. 198/C-III/ND/2019:** *From the Application which has been filed, it is evident that a modification of the order dated 24.10.2018 is being sought for. The Registry of this Tribunal was directed to convey a copy of the said order to IBBI for necessary action as stated in the order.*

*In view of the above directions, to await the report of IBBI and for this purpose, the matter is adjourned for 4 weeks. A copy of this order to be made available by the Applicant to the IBBI in case the report of the IBBI has not been submitted to this Tribunal.*

**CA No. 186/C-III/ND/2018**

*In this regard, it is also brought to the notice of this Tribunal that there is no Resolution Plan approved and the application seeking for liquidation has also been reserved for order in CA No.186/2019. It is evident from the record that already an Application in CA No. 186/2019 has been filed seeking for modification of the earlier order passed in relation to the conduct of IRP, in which this Tribunal had directed for the report of IBBI. Hence, this application is required to be disposed along with CA No. 198/2019 and this application is to be also kept pending to await IBBI's report.*

**CA No. 9, 10& 11/2019:** *Learned Counsel for the Resolution Professional as well*

*as Ld. Counsels appearing for the parties represent that pleadings in these applications are complete.”*

Learned Counsel for the Appellant submits that the aforesaid observation has been made by the Adjudicating Authority without notice to the Appellant otherwise the Appellant would have brought to the notice of the Adjudicating Authority that no irregularity was committed by the Appellant and the Appellant was always committed to duty in accordance with law.

On hearing the Appellant and going through the record, we are of the view that while we are not making any observation with regard to impugned order, we allow the Appellant to bring the aforesaid fact to the IBBI before which the matter has been referred. If the Appellant files any representation before the IBBI giving details, the IBBI, shall, uninfluenced by the impugned order dated 29<sup>th</sup> July, 2019 and 24<sup>th</sup> October, 2018 decide as to whether the matter calls for any enquiry or not.

The appeal stands disposed of.

[Justice S. J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

[Justice Venugopal M.]  
Member (Judicial)

ss/sk