

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

**Company Appeal (AT) (Insolvency) No. 337 of 2018**

**IN THE MATTER OF:**

**Bank of Baroda**

**...Appellant**

**Vs**

**NIIL Infrastructure Pvt. Ltd. & Anr.**

**....Respondents**

**Present:**

**For Appellant: Mr. Rajesh Kumar Gautam and Mr. Aakash Sehrawat, Advocates.**

**For Respondents: Mr. Alok Kumar, Ms. Somya Yadava and Ms. Prarthna Dogra, Advocates for R-2.**

**ORDER**

**04.09.2018:** Learned counsel appearing on behalf of the Appellant submits that in place of Mr. Ajit Kumar, Ms. Nisha Malpani has been appointed as new Resolution Professional pursuant to majority decision of the Committee of Creditors under Section 22 of the Insolvency and Bankruptcy Code, 2016. It is further submitted that this Appellate Tribunal in the case of '*State Bank of India Vs. Ram Dev International Ltd.*', *Company Appeal (AT) (Insolvency) No. 302 of 2018 by its judgment dated 16<sup>th</sup> July, 2018* has already held that the Adjudicating Authority cannot reject name of Resolution Professional on the ground that the Resolution Professional is in the panel of one of the member of the Committee of Creditors. Learned counsel appearing on behalf of the 2<sup>nd</sup> Respondent submits that they have no objection with appointment of new Resolution Professional namely Ms. Nisha Malpani.

2. In view of the above development, no further order required to be passed. The Adjudicating Authority will allow Ms. Nisha Malpani to act as Resolution Professional, if appointed by majority decision of the Committee of Creditors. Appeal stands disposed of with aforesaid observations. No cost.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

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