

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT)(Insolvency) No. 856 of 2019

IN THE MATTER OF:

Friends Agencies

...Appellant

Vs

M/s BIW Fabricators Pvt. Ltd.

....Respondent

Present:

For Appellant: Mr. Manish Paliwal, Mr. Ashutosh K. Sharma and Mr. Dheeraj Singh, Advocates.

For Respondent:

ORDER

26.08.2019 This appeal has been preferred by Mr. Pankaj Khetan, the then Interim Resolution Professional against order of his removal dated 23.07.2019 passed by the Adjudicating Authority (National Company Law Tribunal) Cuttack Bench, Cuttack which reads as follows:

*“Ld. Counsel for the CoC appear. CA No. 73/CTB/2019 is filed by CoC for change of IRP. Perused record the CoC in its meeting dated 12.04.2019, decided to replace IRP by appointing RP by name Mr. Bankim Shukla having **Registration No. IBBI/IPA-001/IP-P00606/2017-18/11067** by 100% voting shares. Appointment of the RP is confirmed. RP may proceed with this as per CIRP Rule.*

It is brought to my notice that main file has not received from Mumbai Bench issue letter. Matter to appear on 13th August, 2019.”

Learned Counsel for the Appellant submits that the 'Committee of Creditors' did not comply with the provisions under Section 27 of Insolvency and Bankruptcy Code, 2016 and the name of other Resolution Professionals were not called for.

The Resolution Application was filed before the Cuttack Bench of National Company Law Tribunal. It is observed that removal of the Interim Resolution Professional was made in view of 100% voting of the 'Committee of Creditors'. However, we are not inclined to interfere with the impugned order dated 23.07.2019.

The Appeal is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

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

(Kanthi Narahari)
Member(Technical)

Akc/Sk