

IN THE NATIONAL COMPANY LAW TRIBUNAL,  
COURT – 5, MUMBAI BENCH

10. M.A 676/2020  
M.A 486/2020  
IN  
C.P. (IB)-4464(MB)/2018

CORAM:

SHRI CHANDRA BHAN SINGH  
Member (Technical)

SMT. SUCHITRA KANUPARTHI  
Member (Judicial)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **27.02.2020**

NAME OF THE PARTIES: Tapan Engineers and Farbication

V/s

Omkar Gratings Private Limited

SECTION: 9 OF THE INSOLVENCY AND BANKRUPTCY CODE.

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**ORDER**

1. M.A 676/2020 is regarding the change of the RP consequent to the resolution passed by the COC. In the COC meeting held on 12.02.2020 as per the Agenda item no. B-1 a resolution was passed to appoint a new RP. The relevant portion of the resolution is reproduced below;

*"Discussion took place in the COC meeting. Members representing Allahabad bank proposed the name of Mr. Ajay Kumar Agarwal (IP Reg. No.: IBBI/IPA-001/IP-P00915/2017-18/11521, as RP replacing the IRP.*

*IRP proposed a fee of Rs. 1,18,000/- per month or part of the month plus out of pocket expenditure relating to CIRP plus GST as paid to IRP after 30 days till the date of handover to RP as per order of the Adjudicating Authority*

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*(In proportion to the time after 30 days till date of handover to RP)”*

2. This was also put up for e-voting and was passed by requisite voting percentage on 15.02.2020. In view of the this, Mr. Ajay Agrawal, IRP having Registration No *IBBI/IPA-001/IP-P00915/2017-18/11521* is appointed as RP by replacing the earlier RP. However, from the IBBI website the Registration number when checked in respect of Mr. Ajay Kumar Agarwal is showing as *IBBI/IPA-002/IP-N00608/2018-2019/11859* but in the M.A., it is showing as *IBBI/IPA-001/IP-P00915/2017-18/11521*. The COC is directed to check the Registration no. of the IRP, so that there is no mistake in the registration no. of RP Mr. Ajay Kumar Agarwal.
3. The COC of the Corporate Debtor's Company is directed to look into the pending remuneration of the IRP and may decide it on the same lines as done and fixed for the new RP.
4. M.A 486/2020 has been filed by the earlier IRP to the Corporate Debtor's company seeking co-operation from the erstwhile directors under section 19(2) of the Code. In that regard this Bench had earlier passed an order directing the Chartered Accountant of the Corporate Debtor's company to provide financial information as required by the IRP.
5. The Chartered Accountant is present in person and the counsel representing the ex-directors mentions that all the information has been provided to the IRP. In view of this, the M.A. 486/2020 is allowed as disposed of.

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6. None the less, the new RP Mr. Ajay Kumar Agarwal who is stepping into the shoes of the earlier IRP may take stock the situation and has liberty to come before this Bench in case there is non-cooperation from the ex-directors.
7. The matter is adjourned to 01.04.2020 to review the progress of the CIRP.

Sd/-

CHANDRA BHAN SINGH  
Member (Technical)

/p/

Sd/-

SUCHITRA KANUPARTHI  
Member (Judicial)