

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 382 and 383 of 2018

IN THE MATTER OF:

Navneet Kumar Jain,

...Appellant

Vs.

JV Strips Ltd.

...Respondents

Present: For Appellant: - Mr. Ashok Kriplani, Mr. Vinod Kumar Chaurasia, PCA and Navneet Kumar Jain, RP

18.07.2018-- Both the appeals have been preferred by Mr. Navneet Kumar Jain, Interim Resolution Professional/Resolution Professional against orders dated 22nd May, 2018 and 28th May, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench in (IB)-452(ND)2017. In the aforesaid orders the Adjudicating Authority made observations relating to lapses on the part of the appellant -Resolution Professional, giving rise to these appeals.

2. As the issue does not amount to adversarial litigation it is not required to issue any notice. The Respondent is a Performa respondent, and is represented through the Resolution Professional.

3. Learned counsel appearing on behalf of the appellant submits that there were no lapses on the part of the Resolution Professional while he was functioning as interim resolution professional. In support of such submission the following facts has been brought to our notice.

4. The corporate insolvency resolution process was initiated on 13th April 2018, order of moratorium was passed and Interim Resolution Professional was appointed. The intimation of such appointment was received by appellant on 20th April 2018. The appellant as an interim resolution professional was supposed to complete the initial work within 30 days, but having provided less than 30 days' time, the procedure extended little over 20th May 2018.

5. The advertisement calling for application from creditors was issued on 22nd April 2018, allowing two weeks' time to file claim. Thereby time to file claim was allowed up to 7th May 2018. To collate the claim, the appellant was required to go through the records of the Corporate Debtor, but the (Suspended) Board of Directors of the Corporate Debtor refused to cooperate with the Interim Resolution Professional, and not provided the relevant documents which was also brought to the notice of the Adjudicating Authority on 10th May 2018.

6. From the impugned order dated 28th May 2018 it is clear that the Adjudicating Authority while directed the appearance of the ex-directors in the court recorded their undertaking to cooperate in every respect with the Interim Resolution Professional. The aforesaid fact shows that the Adjudicating Authority had a knowledge that the ex-directors of the Corporate Debtor were not cooperating with the appellant, which delayed verification of record after collating the claim. For the said reason, we hold that there was no laches on the part of the appellant.

7. For the reason aforesaid, while we are not interfering with the substantive part of the order dated 22nd May 2018, and 28th May 2018 expunge all the remarks made by the Adjudicating Authority against Mr. Navneet Kumar Jain, Resolution Professional.

8. Both the appeals are allowed with the above observations.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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