

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins) No. 1305 of 2019

IN THE MATTER OF:

Joy Kumar Jain

....Appellant

Vs.

Real Soya Enterprises & Ors.

....Respondents

Present:

**For Appellant: Mr. Vikky and Mr. Joy Kumar Jain for IRP
Mr. Shivanshu Kumar**

**For Respondents: Mr. V. V. Gautam and Ms. Vijay Lakshmi,
Advocates for R-1.
Ms. Shweta Kapoor, Advocate for R-2
Mr. Sanjeev Sagar, Ms. Nazia Parveen, Advocates
for R-4,6 along with Mr. Ashutosh Sandhaliya,
Manager for R-4 and Mr. Shirish Mohan Sinha,
Manager for R-6
Mr. Abhishek Singh, Advocate for R-8**

ORDER

27.01.2020: Heard Learned Counsel for the parties.

It appears that the order of admission dated 19.12.2018 passed by the Adjudicating Authority (National Company Law Tribunal), Chandigarh was set aside by this Appellate Tribunal in appeal and the Adjudicating Authority was directed to close the proceedings.

It further appears that while closing the proceedings, the Adjudicating Authority has observed that CA Nos. 453, 293, 294 & 201 of 2019 have become infructuous. While this proposition may be indisputable in part, the fact remains that while closing the proceedings in compliance with the order of this Appellate Tribunal, the Adjudicating Authority was required to settle the fees of the Interim Resolution Professional. That not having been done, we are of the considered opinion that the Impugned Order is unsustainable as it suffers from legal infirmity and cannot be supported.

We accordingly, set aside the Impugned order with direction to the Adjudicating Authority to settle the fees of Interim Resolution Professional in the light of the approval accorded by the Committee of Creditors through resolution.

The Adjudicating Authority shall do the needful with most expedition preferably within four weeks. The impugned order is set aside to the extent of CA No. 201 of 2019 relating to settlement of fee of Interim Resolution Professional. Copy of this order be communicated to the learned Adjudicating Authority.

[Justice Bansi Lal Bhat]
Member (Judicial)

[V. P. Singh]
Member (Technical)

[Shreesha Merla]
Member (Technical)

sa/gc