

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

**I.A. No. 2372 of 2020 in**  
**Company Appeal (AT) (Insolvency) No. 808 of 2020**

**IN THE MATTER OF:**

**Vishal Ghisulal Jain**  
**Through Authorised representative**  
**Tanushree Jashant Patil** **....Appellant**

**Vs**

**Union Bank of India** **....Respondent**

**Present:**

**For Appellant: Mr. Sowmya Saikumar, Advocate.**

**For Respondent: Mr. Zaman Ali and Mr. Hasan Murtaza, Advocates.**

**O R D E R**  
**(Through Virtual Mode)**

**18.02.2021:** Modification is sought in the order dated 21<sup>st</sup> September, 2020 by virtue whereof Company Appeal (AT) (Insolvency) No.808 of 2020 was disposed off. It is pointed out that in 6<sup>th</sup> line of the order counted from top, it has been inadvertently recorded that the Interim Resolution Professional (IRP) had already completed his tenure of 30 days as specified under Section 16(5) of the 'I&B Code', though the term of the IRP was to continue till the date of appointment of Resolution Professional under Section 22.

2. Our attention has been brought to the amendment made in Section 16(5) by Act No.26 of 2018 by virtue whereof the expression ***“shall not exceed thirty days from date of his appointment”*** has been substituted by ***“shall continue till the date of appointment of the resolution professional under section 22”***

3. After hearing learned Counsel for the parties, it appears that the error has crept in the order in regard to tenure of IRP on the basis of the provision of

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Section 16(5) as it existed before amendment. After amendment which was carried out in the year 2018 and came into effect with effect from 6<sup>th</sup> June, 2018, the tenure of IRP is to continue till the appointment of Resolution Professional under Section 22 of the I&B Code. Therefore, there being an error, which appears to have crept in due to oversight, the same is hereby rectified.

4. Learned Counsel for the Respondent submits that seeking such clarification is for drawing fee for period exceeding 30 days and the clarification/ modification is not warranted. We find ourselves unable to agree with the submission. If the tenure of IRP is to last till he is replaced by the Resolution Professional appointed under Section 22, he would be entitled to the fee for rendering services for such period. It is unthinkable that he will render services for the period exceeding 30 days without claiming fee, which would be in the nature of exploitation/ Begar prohibited by the Constitution. Objection raised is accordingly repelled.

5. We accordingly allow the application and direct the error in the order dated 21<sup>st</sup> September, 2020 to be rectified by replacing expression ***“shall not exceed thirty days from date of his appointment”*** by ***“shall continue till the date of appointment of the resolution professional under section 22”***. I.A. No. 2372 of 2020 is accordingly disposed off.

**[Justice Bansi Lal Bhat]  
Acting Chairperson**

**[Justice Anant Bijay Singh]  
Member (Judicial)**

**(Kanthi Narahari)  
Member (Technical)**

Ash/GC