

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 867 of 2020

In the matter of:

Mohd. Nazim Khan

....Appellant

Vs.

**Committee of Creditors of Mothers Pride Dairy India
Pvt. Ltd. & Ors.**

....Respondents

Present:

Appellant: Mr. Krishnendu Datta, Senior Advocate with Mr. Nilotpal Shyam, Mr. Nazim Khan, Advocates.

Respondents: Mr. Akash Singhal and Mr. R.K. Gupta, Advocates for R3.

Mr. Amarjeet Singh and Mr. Abhishek Kumar, Advocates for R4.

Ms. Swati Bhatnagar, Advocate for R5.

Mr. Bishwajit Dubey, Mr. Shatrajit Banerji and Mr. Ashlesha Mittal, Advocates for R1 & 2.

ORDER

09.10.2020: Apart from the other issues, the issue raised in this appeal is that the Appellant functioning as Interim Resolution Professional could not have been replaced under Section 22 of the Insolvency and Bankruptcy Code, 2016 after the first meeting and the procedure contemplated under Section 27 which governs such a situation has not been followed in letter and spirit.

Issue notice upon Respondents. Notice on behalf of Respondent Nos.1 & 2 is waived and accepted by Mr. Bishwajit Dubey, Advocate. Notice on behalf of Respondent No.3 is waived and accepted by Mr. R.K. Gupta, Advocate. Notice on behalf of Respondent No.4 is waived and accepted by Mr. Amarjeet Singh, Advocate. No further notice need be issued to them. They may file their reply-

Contd/-.....

affidavits within two weeks. Rejoinder, if any, may be filed within two weeks thereof.

Let notice be issued on Respondent No.5. Appellant to provide mobile Nos./ e-mail address of the Respondent No.5. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the appeal on 20th November, 2020.

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

**[Justice Jarat Kumar Jain]
Member (Judicial)**

**[Kanthi Narahari]
Member (Technical)**

AR/g