

**National Company Law Appellate Tribunal, New Delhi**

**Principal Bench**

**Company Appeal (AT) (Ins) No. 638 of 2020**

**IN THE MATTER OF:**

**Alok Kumar Kuchhal**  
**Erstwhile Interim Resolution Professional** **...Appellant**

**Vs.**

**Charming Apparels Pvt. Ltd. & Ors.** **...Respondents**

**Present:**

**For Appellant:** **Appellant in Person**

**For Respondent:** **Mr. Abu John Mathew (CoC HDFC), Advocate for R 5A**  
**Mr. Gaurav Srivastava, Advocate for R5b**  
**Ms. Heerika Shukla, Advocate for R6**  
**Mr. Siddharth Chechani, Advocate for R7**

**ORDER**

**(Through Virtual Mode)**

**17.02.2021:** Heard the Learned Counsel for the Appellant and the Learned Counsel for the Respondent.

2. The Respondent ('HDFC Bank') in his reply at page 99 which is the order dated 30<sup>th</sup> May, 2019 passed by 'Insolvency and Bankruptcy Board of India' (IBBI) (Annexure R2/10) in compliance of the direction issued by 'NCLT' New Delhi Bench dated 18<sup>th</sup> February, 2019 in C.A. No. (IB)348 (ND)/2017 in the matter of 'M/s. Rachna Sarees' Vs. 'Charming Apparels Pvt. Ltd.' relevant at

....contd.

page 109 Clause 18 have passed the following directions:-

*“18. Thus, in view of the above and considering the lapses on the part of both IRP/RP and CoC as stated above, and the volume of activities carried by IP as IRP during the first 30 days from 17<sup>th</sup> July, 2018 and thereafter till 26<sup>th</sup> November, 2018 (total period being four and half month approx.), I consider Rs. 5 lakhs for the first month as IPR (already paid by the applicant OC) and thereafter, Rs. 1 lakh per month as RP by Mr Kuchhal, for a period of three and a half months, a total of Rs. 8.5 lakhs as reasonable professional fee.*

*19. Accordingly, total amount of Rs. 8.5 lakhs is considered as full and final settlement of the IRP's fees in compliance of the directions of the AA in its order dated 18<sup>th</sup> February, 2019 and the same shall form part of the insolvency resolution process cost.”*

*..contd.*

4. Although, the Learned Counsel for the Appellant has contested this amount, but we are of the view that as 'IBBI' has already passed the orders of the IRP's fees and further the Appellant has received Rs. five lakhs out of the aforesaid amount.

5. Learned Counsel for Respondent '**Charming Apparels Pvt. Ltd.**' represented through 'Committee of Creditors' through 'HDFC Bank' and 'Kotak Mahindra Bank'. They will take instructions in the matter as to how they paid the remaining amount.

List this matter under the same heading on **16<sup>th</sup> March, 2021.**

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

**[Ms. Shreesha Merla]**  
**Member (Technical)**

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