
(2022) 05 NCLT CK 0082

In the National Company Law Tribunal

Case No : I.A. (IB) No. 375/KB/2022 in C.P. (IB) No. 1147/KB/2020

Janpragti Commodities Private Limited

APPELLANT

Vs

Radission Resources Private Limited

RESPONDENT

Date of Decision : 25-05-2022

Acts Referred:

Insolvency And Bankruptcy Code, 2016 — Section 15, 22
Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 — Regulation 7A
Insolvency and Bankruptcy Board of India (Insolvency Resolution Process of Corporate Persons) Regulations, 2016 — Regulation 3(1A)

Citation : (2022) 05 NCLT CK 0082

Hon'ble Judges : Rajasekhar V.K., Member (J); Balraj Joshi, Member (T)

Bench : Division Bench

Advocate : Rahul Auddy, Ranjana Seal

Final Decision : Disposed Of

Judgement

Rajasekhar V.K., Member (Judicial)

1. This court convened via hybrid mode.
2. This is an application filed by the Janpragti Commodities Private Limited, represented by Sudipto Ghosh, Resolution Professional of Janpragti Commodities Private Limited, under section 22 of the Insolvency and Bankruptcy Code, 2016 (Code) praying for replacement of Mr. Neeraj Jain, the Interim Resolution Professional with Mr. Pratap Mukherjee as the Resolution Professional.
3. It is submitted that the underlying Company Petition bearing C.P. (IB) No. 1147/KB/2020 was filed by Janpragti Commodities Private Limited and this Adjudicating Authority vide order dated 27 January 2022, initiated Corporate Insolvency Resolution Process (CIRP) against Radission Resources Private Limited, the Corporate Debtor. Mr. Neeraj Jain was appointed as the Interim Resolution Professional (IRP).

4. It is further submitted that in terms of section 15 of the Code, public announcement was made on 29 January 2022 and the IRP collated the claims. The Committee of Creditors (CoC) was duly constituted and the 1st CoC meeting was held on 26 February 2022.
5. The CoC resolved to appoint Mr. Pratap Mukherjee as the Resolution Professional in place of Mr. Neeraj Jain.
6. The CoC has proposed the name of Mr. Pratap Mukherjee, having Registration No. IBBI/IPA-001/IP-02515/2021-2022/13851 as the Resolution Professional of the Corporate Debtor.
7. Mr. Pratap Mukherjee has filed his written communication in Form AA as required under regulation 3(1A) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process of Corporate Persons) Regulations, 2016 and has submitted a valid Authorisation for Assignment (AFA) issued by the Insolvency Professional Agency (IPA) of which he is a professional member, in terms of regulation 7A of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016.
8. Heard Learned Counsel appearing on behalf of the Interim Resolution Professional. Upon perusing the documents and records in the instant proceedings, we allow the application.
9. Mr. Pratap Mukherjee, having Registration No. IBBI/IPA-001/IP-P02515/2021-2022/13851, email id. pratapmukherjee62@gmail.com having address at 27A, Bhattacharjee Para Road, P.O. Thakurpukur, Kolkata- 700063, is hereby appointed as the Resolution Professional of the Corporate Debtor to carry out the functions as per the Code.
10. The application being I.A. (IB) No. 375/KB/2022 is disposed of accordingly. List C.P. (IB) No. 1147/KB/2020 on 26.07.2022 for filing progress report.
11. The fee of the erstwhile Interim Resolution Professional be paid expeditiously by the Committee of Creditors.
12. The erstwhile Interim Resolution Professional shall handover all the documents with regard to the Corporate Debtor to the Resolution Professional, Mr. Pratap Mukherjee, within one week from the date of this order.
13. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
14. Urgent certified copies of this Order, if applied for, be supplied to parties upon compliance of all requisite formalities.