
(2022) 02 NCLT CK 0058

In the National Company Law Tribunal

Case No : IA 334/2022 in C.P. (IB)/4350(MB)2018

Kerilee Investments Limited

APPELLANT

Vs

Swastik Tungsten Private Limited

RESPONDENT

Date of Decision : 15-02-2022

Acts Referred:

Insolvency & Bankruptcy Code, 2016 — Section 60(5)
National Company Law Tribunal Rules, 2016 — Rule 11

Citation : (2022) 02 NCLT CK 0058

Hon'ble Judges : P. N Deshmukh, Member, J;Shyam Babu Gautam, Member, T

Bench : Division Bench

Advocate : Sandeep Bajaj, Ajay Sharma

Final Decision : Disposed Of

Judgement

This IA is filed under section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016 by the Operational Creditor seeking replacement of Mr. Mukul Chopra IRP having registration No. IBBI/IPA-002/IP-N00810/2019-2020/12616 by appointing a new IRP Mr. Bijendra Kumar Mishra bearing registration No. IBBI/IPA-002/IP-N001090/2017-2018/10257. This Tribunal passed order on 23.12.2021 admitting Corporate Debtor in CIRP.

Mr. Mukul Chopra the Applicant/(IRP) has stated that he was apprised about the pronouncement of the Order and his appointment as an IRP for performing his duty as IRP. After hearing about the said Order the appointed IRP informed the Operational Creditor that he cannot take up the assignment as he has been unable to complete the mandatory requirement of Continuing Professional Education. Mr. Mukul Chopra vide email to the Operational Creditor/Applicant whereby he has further stated that unfortunately, due to his health condition his certificate to practice as an Insolvency Professional and to take assignments in is abeyance and he is not presently eligible to act as an Insolvency Professional and take any appointment.

We have heard the Counsel and on perusal of the averments made in the present Interlocutory Application and also the arguments advanced by the Learned Counsel appearing for the Operational Creditor this Bench is convinced and accordingly, Mr. Bijendra Kumar Mishra bearing registration No. IBBI/IPA-002/IP-N001090/2017-2018/10257 is appointed as the new IRP in place of Mr. Mukul Chopra. With the above observations IA-334/2022 is allowed and disposed of.