
(2023) 05 NCLT CK 0086

In the National Company Law Tribunal

Case No : I A No. 964/2023 in IB 1018/ND/2020

Mukesh Kumar Jain Vs Naveen Kumar Upadhyay ?

Date of Decision : 30-05-2023

Acts Referred:

Insolvency and Bankruptcy Code, 2016 — Section 19(2), 60(5)
National Company Law Tribunals, 2016 — Rule 11

Citation : (2023) 05 NCLT CK 0086

Hon'ble Judges : Bachu Venkat Balaram Das, Member (J); Atul Chaturvedi, Member (T)

Bench : Division Bench

Advocate : Anish Jaipuriar, Suhel Qureshi

Final Decision : Disposed Of

Judgement

Bachu Venkat Balaram Das, Member (Judicial)}

1. This application has been filed by Mr. Mukesh Kumar Jain, the Resolution Professional of CMYK Printech Limited, the Corporate Debtor under Section 19(2) read with Section 60(5) of the IBC, 2016 read with Rule 11 of NCLT Rules, 2016 seeking directions against Mr. Navin Kumar Upadhyay, non-applicant No. 1, to not to obstruct the operation of the Corporate Debtor presently under control of the Applicant and also for seeking directions against the non-applicant No. 2 to provide direction to DGP (concerned area police station) as necessary assistance to the Applicant in discharging his duties under the provisions of the Code.

2. In this application, the Applicant has made various allegations of non-cooperation by Mr. Naveen Kumar Upadhyay, Non-Applicant No. 1.

3. The Applicant has made the following prayers:

"Pass interim/final directions to the Non-Applicant No. 1 to not to enter into the office premises of the Corporate Debtor and/ or to obstruct the working of the Corporate Debtor carried out under the control of the Applicant Resolution Professional:

Pass interim/final directions to the Non-Applicant No. 2 to provide necessary assistance and support to undersigned Resolution Professional in discharge of his duties as per Code;

Pass necessary further order/ directions to the applicant Resolution Professional about this status as questioned by the Non-Applicant No. 1 herein;

Issue such necessary orders as may be deemed fit in the matter by Hon'ble Tribunal."

4. We have heard this application alongwith IA-2403/2023. In view of the order passed in IA-2403/2023, wherein the following directions have been passed:-

(i) The Resolution Professional shall immediately hand over the management of the Corporate Debtor to the CEO/Management of the CD.

(ii) All actions taken by the Resolution professional after the order dated 25.02.2022 passed by the Hon'ble Supreme Court of India including the removal of the Applicant and appointment of Mr. Vishal Bakshi are declared to be null and void.

(iii) Status, public position of the Corporate Debtor as it was before passing of the order dated 25.02.2022 by Hon'ble Supreme Court of India shall be restored back.

5. In view of the directions passed in IA No. 2403/2023, we do not feel it appropriate to pass any further directions in this matter.

6. IA is accordingly disposed of.