

(2020) 08 NCLT CK 0044

In the National Company Law Tribunal

Case No : Interlocutory Appeal No. 1079, 1148 Of 2020 In Company Petition
(IB) No. 2995/Mb Of 2019

Small Industrial Development Bank Of India

APPELLANT

Vs

E And G Global Estates Limited

RESPONDENT

Date of Decision : 18-08-2020

Acts Referred:

Insolvency And Bankruptcy Code, 2016 — Section 21

Citation : (2020) 08 NCLT CK 0044

Hon'ble Judges : Chandra Bhan Singh, Member (Technical); Suchitra Kanuparthi, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. IA No. 1079 of 2020 in CP 2995 of 2019 has been filed under Section 21 of IBC, 2016 by the Resolution Professional seeking the appointment of authorized representative of a class of Financial Creditor, home buyer's category, to represent home buyers before the CoC.
2. In the last hearing on 27.07.2020, the Bench while agreeing to the proposed name of RP Mr. Jitendra Kothari to be appointed as authorized representative of a class of financial creditors i.e. home buyer' category had also directed that before his appointment a confirmation be obtained from IBBI that no disciplinary proceedings is pending against Mr. Jitendra Kothari.
3. Counsel for the resolution professional mentions before this Bench that he has not received any confirmatory Email from IBBI in this regard. However, he mentioned that response from IBBI has already been sent to NCLT, Mumbai.
4. During course of the hearing, Counsel for the applicant produced before this Bench a Notification from IBBI valid for the period from July 2020 to 25th November 2020 where Mr. Jitendra Kothari bearing registration No. IBBI/IPA-001/IP-P00540/2017-2018/10965 has been clearly mentioned as being permitted to

carry on as RP in IBC matters.

5. In view of this, the Bench Allows the IA No. 1079 of 2020 and concurs with the proposal of appointment of Mr. Jitendra Kothari bearing registration No. IBBI/ IPA-001/IP-P00540/2017-2018/10965 as authorized representative on behalf of class of financial creditors (home buyers) in the CoC of Corporate Debtor company M/s. E & G Global Estates Limited.

6. Accordingly, IA No. 1079 of 2020 is disposed off.

7. This Bench notes that IA No. 1148 of 2020 has also been listed before it. However, nobody appeared, therefore, the matter is adjourned to 12.10.2020.