



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 101
IB-487/ND/2023
IA/4543/2024

IN THE MATTER OF:

Mr. Raj Kumar Shrivastava and Ors.

...PETITIONER

Vs.

M/s. Imperia Wishfield Pvt. Ltd.

...RESPONDENT

Section

U/s 7 of IBC, 2016

Order delivered on 19.09.2024
HYBRID HEARING (PHYSICAL & VC)

Coram:

SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the IRP

:Adv Aman Raj Singh

ORDER

IA/4543/2024

This is an application filed under Section 22(3)(b) of the IBC, 2016 for appointment of the Resolution Professional by replacing the IRP so appointed by this Adjudicating Authority vide order dated and 29.05.2024 and 14.06.2024. Heard the Ld. Counsel on behalf of the Applicant. It was submitted that this Adjudicating Authority vide order dated 29.05.2024 read with order dated 14.06.2024 had appointed an IRP, namely, Mr. Chetan Gupta. After the constitution of the CoC, in its 3rd meeting held on 05.09.2024 with 100% voting CoC resolved to replace the IRP so appointed with a RP, namely, Mr. Navneet Kumar Gupta as Resolution Professional having Registration No. IBBI/IPA-001/IP-P00001/2016-2017/10009 in terms of Section 22(3)(b) of the IBC, 2016. The consent and valid AFA of the said



Resolution Professional has been filed along with the application. It may be mentioned that this decision for confirmation of the IRP or replacement of the IRP should have been taken in the first meeting of the CoC. However, it was submitted by the Ld. Counsel on behalf of the Applicant that the matter was deferred and the final decision has been taken only in the 3rd meeting of the CoC. Since, the Resolution has been passed by the 100% majority of the CoC in terms of Section 22(3)(b) of the IBC, 2016, we hereby appoint, Mr. Navneet Kumar Gupta whose details are given above as the Resolution Professional of the Corporate Debtor. Newly appointed Resolution Professional is directed to discharge his duties and obligations in terms of the provisions contained in the Code and the Rules and regulations made thereunder. The IRP, namely, Mr. Chetan Gupta is relieved from his duty however, CoC is directed to settle his fees and pay him the same. The IRP is also directed to hand over any document or material available with him to the newly appointed Resolution Professional. Copy of this order be sent to the newly appointed Resolution Professional as well as, IRP and IBBI for information. With these observations, the present IA is **disposed of**.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Mahendra Khandelwal)
Member (J)