

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH (COURT - II)**

**Item No. 113**  
**(IB)-1781(ND)2018**  
**IA-2983/2021 & IA-3005/2021**

**IN THE MATTER OF:**

**Indu Kumar & Ors.**

...

**Applicant/Petitioner**

**Versus**

**M/s. Saha Infratech Pvt. Ltd.**

...

**Respondent**

**Under Section: 7 of IBC Code, 2016**

**Order delivered on 22.07.2021**

**CORAM:**

**SHRI. ABNI RANJAN KUMAR SINHA,  
HON'BLE MEMBER (J)**

**SHRI. L. N. GUPTA,  
HON'BLE MEMBER (T)**

**PRESENT:** Ashish Makhija, Akanksha Vasudeva and Richa Singh Advocates for Interim Resolution Professional, Adv. Anuj Kr. Pandey (On behalf of Resolution Professional), Mr. Virender Ganda Sr. Adv, Mr. Atul Sharma Adv, Mr. Rudreshwar Singh Adv, Mr. Vishal Ganda Adv, Ms. Renuka Iyer, Adv, Mr. Dev J Roy, Adv, Mr. Ayandeb Mitra Adv, Mr. Anand Singh Sengar Adv

**ORDER**

**IA-3005/2021:** It is a report submitted by the IRP. The same is taken on record subject to just exceptions.

With this, **the IA stands closed.**

**IA-2983/2021:** By filing this Application, the Applicant has prayed to appoint Mr. Shivnandan Sharma Registration No. IBBI/IPA-001/IP-PO0384/2017-18/10641 as RP in terms of the resolution of the CoC meeting dated 23.05.2021.

In the course of hearing, Mr. Virender Ganda Senior Advocate appearing for ACRE and IDBI submits that their Applications are scheduled to be listed

 

tomorrow, which the Applicants have challenged the Order passed by the IRP. So this IA may be adjourned till the hearing of their Application.

On the other hand, Ld. Counsel for the RP Mr. Ashish Makhija submits that there is no stay Order passed either by this Adjudicating Authority or by Hon'ble NCLAT. Mr. Ashish Makhija, Advocate further submits that Hon'ble NCLAT has also rejected the prayer to stay the functioning of CoC. Therefore, the Prayer of the Applicant may be rejected.

He further submits that since the Appointment of Mr. Shivnandan Sharma has been approved. by the CoC in its meeting dated 23.05.2021 by 93.27% voting share which in terms of Section 5 amounts to 100% voting share, the Appointment be approved. Accordingly, we hereby approve the Appointment of Mr. Shivnandan Sharma as RP of the Corporate Debtor.

**With this, the present IA stands disposed of.**

- Sol -

**(L.N. GUPTA)**  
**MEMBER (T)**

- Sol -

**(ABNI RANJAN KUMAR SINHA)**  
**MEMBER (J)**