

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI, COURT - II

Item No. 210
(IB)-470(ND)/2017
CA-1442/2020

IN THE MATTER OF:

Sh. Amit Kumar Malik

...

Applicant/Petitioner

And

M/s. Kindle Developers Pvt. Ltd.

...

Respondent

Under Section: 7 of IBC

Order delivered on 26.07.2021

CORAM:

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

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

PRESENT: Asish Nischal, Advocate for R-22, Rachit Mittal Adv. for Noida Authority, Mr. Prateek Kushwaha, Advocate with Kashi Vishwanathan Sivaraman, For Resolution Professional, Mr. Alok Dhir and Akhil Shankhwar, Advocates on behalf of Applicant in IA 1442 of 2020.

ORDER

CA-1442/2020: Heard, the Ld. Counsel appearing for the Applicant and the RP in person as well as through his counsel and perused the averments made in the application.

By filing this application, the Applicant has prayed for the following reliefs:

- a) *Allow the present Application and direct the Resolution Professional to verify, entertain and accept the claim of the Applicant; and*
- b) *Issue appropriate directions under the provisions of the Insolvency and Bankruptcy Code, 2016 as amended till date against the Resolution Professional Mr. Kashi Vishwanathan Sivaraman for not acting under the specific and mandatory regulations and guidelines of the Code; and*
- c) *Any further or other order which this Hon'ble Tribunal may deems fit and necessary in the interest of justice.*

In the course of hearing, Ld. Counsel appearing for the RP submits that the Resolution Applicant in the Resolution Plan has made the provision to make



payment towards the claim of this Applicant but he also admits that some query was made by him in respect of their claim and no specific order on the claim of the Applicant has been passed by the RP as yet.

In the course of hearing, Ld. Counsel for the Applicant also referred to the email dated 15th July, 2021 sent by RP to him in pursuance of the order dated 14th July, 2021 in which the RP has communicated that the Resolution Applicant has made a provision towards the claim of the Applicant.

Considering the fact that no specific order on the claim submitted by the Applicant has been passed by the RP as yet, we direct the RP to consider the claim of the Applicant pending before him since long on merits and pass a specific order in accordance with the provision of Law.

With this, the present IA stands disposed off.

- Sol -

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

- Sol -

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