

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM No. 03**  
**(IB)-1248(PB)/2018**

**IN THE MATTER OF:**

Shinoj Koshy	....	Applicant/petitioner
v.		
M/s. Granite Gate Properties Pvt. Ltd.	....	Respondent

**Order under Section 7 of Insolvency & Bankruptcy Code (CIRP)**

**Order delivered on 20.07.2020**

**CORAM:**

**SH. B.S.V. PRAKASH KUMAR**  
**HON'BLE ACTG. PRESIDENT**

**SH. HEMANT KUMAR SARANGI**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant	Mr. Sachin Datta, Sr. Adv. with Mr. Sahil Chopra, Adv. (IA-2726/2020)
	Mr. P. Nagesh & Mr. Sumit Bindal, Adv. (IA-2481/2020)
	Mr. Saurabh Kalia & Mr. Anant A. Pavgi, Adv. (IA-2643/2020)
For the RP	Mr. Sumant Batra & Mr. Sanyam Saxena, Adv.

**ORDER**

**IA-2481/2020**

It is an application filed by the Applicant/contractor to whom job work was assigned, stating that the Resolution Professional failed to pay Rs 2.71Crore towards the work already completed based on the indent erstwhile Resolution Professional given to the Applicant on 25<sup>th</sup> January 2019, subsequent thereto when the present Resolution Professional was appointed in the place of erstwhile Resolution Professional on 27<sup>th</sup> November 2019, the Applicant placed its claim before the RP long before, but till date the Resolution Professional neither rejected nor paid the claim amount. He has made it further clear that it is a claim over the work done

1

after CIRP has been initiated, therefore it shall be paid without linking it to other claims.

Against this submission, the RP Counsel submits that so many irregularities happened and monies were over paid to the Applicant, therefore audit process is in progress to arrive to as to how much has been overpaid or how much is remained payable to the Applicant. Even if all that is correct, for the present RP being appointed more than six months before, he ought to have decided it by this time. Presuming the Applicant has been over paid, at least that information should have been informed to the Applicant, but that has not happened.

If at all audit is initiated as stated by the RP, it is the bounden duty of the Resolution Professional to take into consideration the submissions of either side and to decide the same as early as possible so that the person rendered services after admission will not be put to sufferance.

In view of the same, the Resolution Professional is hereby directed to decide this issue to the extent that falls within the ambit of the Resolution Professional within 15 days hereof. The reason for passing this order is, in CIRP unless the Agencies entrusted with the duties specified do not take swift actions, the parties will be put to sufferance and CIRP process in turn will get delayed.

For the reasons aforementioned, the Resolution Professional may take proper steps taking into consideration the submissions of this Applicant as well as the CoC and if required consult erstwhile RP to arrive to a finding and file its report within 15 days hereof.

List this IA/2481/2020 for hearing on 18.08.2020.

### **IA-2643/2020**

On the Applicant counsel having stated that he would rectify the defects in filing Vakalathnama and file Affidavits to that effect by next date of hearing, list this IA/2643/2020 for hearing on 27.07.2020.

**IA-2726/2020**

On the withdrawal request made by the Applicant in IA-2726/2020, the same is hereby **dismissed as withdrawn**.

As to IA/2737/2020 seeking urgent hearing of IA/2757/2020, when the matter is called out, nobody is present before this Bench on behalf of this Applicant. Besides, the Resolution Professional counsel has stated that they have not even received the copy of these applications. In view of the same, the Applicant is peremptorily directed to make their appearance before this Bench and to argue the case on the next date of hearing, failing which, these applications will be dismissed for default.

It is also further observed that filing an application along with urgent application and thereafter not appearing before this Bench reflects lack of concern. List IA/2737/2020 and IA/2757/2020 on 18.08.2020.

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(B.S.V PRAKASH KUMAR)  
ACTG. PRESIDENT

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(HEMANT KUMAR SARANGI)  
MEMBER (TECHNICAL)