

NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

IA No.56 of 2018  
in  
CP (IB)/04/GB/2018  
Dy No.3(093) of 2018

Under Section 7 of the Insolvency & Bankruptcy Code, 2016 read with Rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

In the matter of:

Bank of India : ...Financial Creditor

-Versus-

M/s. Maxim Infrastructure & Real Estate  
Pvt. Ltd. : ...Corporate Debtor

Order delivered on 5<sup>th</sup> September, 2018

Coram:

Present: Hon'ble Mr. Justice P.K. Saikia, Member (J)

For the Financial Creditor : Mr. Subrata Dutta, Advocate

**ORDER**

Mr. S. Dutta, learned counsel is present for the financial creditor. Mr. Amit Kumar, Manager (Law) is also present representing the petitioner/Bank of India.

2. Seen the note of the Registry dated 04.09.2018. For ready reference, Registry's note is reproduced below:

*"This is regarding appointment of Interim Resolution Professional in the matter of Bank of India Vs. M/s. Maxim Infrastructure & Real Estate Ltd. in CP(IB)/04/GB/2018 (Dy.No.03(093) of 2018. The petition has been admitted under Section 7 of the Insolvency and Bankruptcy Code, 2016 on 31<sup>st</sup> August, 2018.*

*As per Section 16 of the Insolvency and Bankruptcy Code, 2016, Adjudicating Authority shall appoint the Interim Resolution Professional within 14 days from the Insolvency commencement date. The proposed IRP in the above matter is mentioned as below:*

Mr. Kamlesh kumar Singhania,  
A V Insolvency Pvt. Ltd.,  
Bajarang Kunj, Room No.412-413,  
2B, Grant Lane 4<sup>th</sup> Floor,  
Kolkata- 700012  
Registration No.IBBI/IPA-002/IP-N00023/2016-2017/10050

*On perusal of the IBC Web Site, it appears that there is no disciplinary proceeding pending against the aforesaid IRP.*

*Laid for favour or order"*

3. This Authority on admitting the application on 31.08.2018 had already declared moratorium as contemplated in Section 14 of the Insolvency and Bankruptcy Code, 2016. From the Registry's note and also order dated 31.08.2018 it is found that one Kamalesh Kumar Singhania has been recommended by the financial creditor as being Insolvency Resolution Professional ( in short IRP).

4. It is found evident that no proceeding is said to have been pending or initiated against him. Being so, there is no difficulty in appointing him as Insolvency Resolution Professional. Accordingly, Shri Singhania is appointed as Insolvency Resolution Professional (in short IRP) who would cause public announcement of the initiation of Corporate Insolvency Resolution Process (in short CIRP) and call for submission of claims as mandated in Section 15 of the Code of 2016.

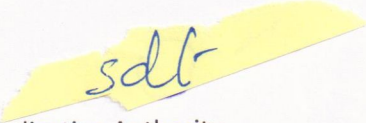
5. The public announcement shall contain the following information.

- a) Name and address of the corporate debtor under the corporate insolvency resolution process;
- b) Name of the authority with which the corporate debtor is incorporate or registered;
- c) The last date for submission of claims;
- d) Details of the interim resolution professional who shall be vested with the management of the corporate debtor and be responsible for receiving claims;
- e) Penalties for false or misleading claims and
- f) The date on which the corporate insolvency resolution process shall close, which shall be the one hundred and eightieth day from the date of the admission of the application under section 7,9 or section 10, as the case may be.

6. The public information shall be made in the manner specified in Resolution 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

7. A copy of this order will made available to the IRP in his address furnished

8. This IA No.56 of 2018 is disposed of.

  
Adjudicating Authority  
National Company Law Tribunal  
Guwahati Bench, Guwahati

Ashish