

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P No. 65/(MAH)/2017
CA No. 161/2017

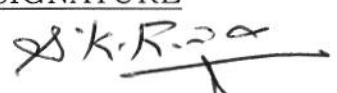
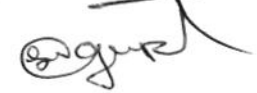
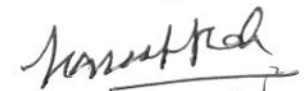

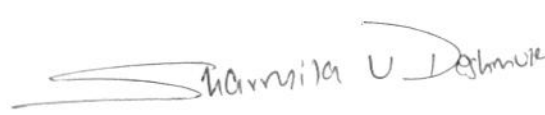
CORAM:

Present: SHRI M.K. SHRAWAT
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 27.06.2017

NAME OF THE PARTIES: Sanjay Kumar Ruia
V/s.
Magna Opus Hospitality Pvt.Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Sanjay Kumar Ruia	Petitioner	
2	Susil K Gupta	RP	
3	HARESH P. SHAM	AR for Petitioner IRP	
4	Poonam Das	Adv for Secured Creditors Bank of India	
5.	Sharmila U Deshmukh	Adv for R. no 2 & 3	

ORDER

C.P. No. 65/I&BP/NCLT/MB/MAH/2017

1. The Learned Representatives of both the sides are present.
2. From the side of the Petitioner one Application under section 68 and 69 has been moved.
3. The Registry is directed to give the number and enlist for hearing.
4. On demand the hard copy of this Application has been served on the Learned Counsel of the Respondents.

M/s

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5. One more Application under section 74(1) has been moved on 01.06.2017. The hard copy is handed over to the Learned Advocate of the Corporate debtor.
6. On the basis of the pleadings on record the Learned R.P. namely Mr. Gupta has recused himself and a prayer has been made that he is not willing to continue as IRP in this case. Prayer of the R.P. is accepted.
7. On inquiry the Petitioner/Creditor has informed that the Professional Fees has also been paid for which the Learned Resolution Professional has confirmed the payment of professional fees.
8. No name has been suggested in place of the existing R.P. by the Creditor. This is a case where under exceptional circumstances, the Learned R.P. has recused himself and a new R.P. is to be appointed, therefore, in a situation when the Moratorium is already in existence and the Insolvency Process has already been commenced, therefore, this Bench is of the opinion that the name of the R.P. is to be nominated out of the list approved by the I&BP Code.
9. Mr. Amit Gupta having registered No. IBBI/IPA-0001/IP-P00016/2016-17/10040, having address A-1701, Gundesha Symphony, Veera Desai Road, Andheri (West), Mumbai-400 053 is hereby appointed to act as "Insolvency Professional". He is hereby appointed to take up the matter from the stage where it has been last executed by the outgoing Insolvency Professional. The Progress Reports are already on record.
10. That till the handing over and taking over of the Insolvency Resolution Process gets completed, the present Resolution Professional shall continue to act as the Resolution Professional to implement the Insolvency Proceedings. The newly appointed Insolvency Professional to take over charge of the Insolvency Process on or before 30th July, 2017.
11. In both these Applications, Replies should be filed on or before 7th July, 2017.
Adjourned to **14th July, 2017** for hearing.

Dated: 27.06.2017

Sd/-
M.K. Shrawat
Member (Judicial)