

**In the National Company Law Tribunal,  
Kolkata Bench,  
Kolkata**

**Coram:** Shri Jinan K.R.  
Hon'ble Member (J)

**CP(IB) No.110/KB/2018**

**In the matter of:**

An application under section 9 of the Insolvency and Bankruptcy Code, 2016, read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016;

-And-

**In the matter of:**

Affinity Financial Services Private Limited, having its registered Office at E-253, Saraswati Kunj Apartment, 25, I.P. Extensions, Patparganj, New Delhi 110 092;

... **Operational Creditor**

-Versus-

Kiev Finance Limited, having its registered office at Room No.26, 133, Canning Street, Kolkata- 700 001;

.... **Corporate Debtor**

**Counsels appeared:**

For the Operational Creditor : 1. Mr. Vikash Singh, Advocate

For the Corporate Debtor : 2. Mr. Prabir Banerjee, Advocate

Order pronounced on 15<sup>th</sup> February, 2018

Sd

**ORDER****Shri Jinan K.R., Member (J):**

Affinity Financial Services Private Limited, the Operational Creditor has filed this application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (from now on referred to I & B Code, 2016) for initiating Corporate Insolvency Resolution Process read with Rule 6 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 against the Corporate Debtor, Kiev Finance Limited. Operational Creditor has stated that the Corporate Debtor has committed default in making payment of Rs.28,50,000/- (Rupees twenty eight lakhs fifty thousand) only as on 06.10.2015.

This case was listed for hearing on 13.02.2018 and after the hearing, the matter was reserved for order.

On scrutiny of the records and the documents filed by the Operational Creditor later on, it is observed that the Operational Creditor has filed two applications both date 12<sup>th</sup> December, 2017 under section 9 read with rule 2 of I.B.C proposing two different names of Interim Resolution Professional, which is incorrect and improper. Further, one written communication in Form-2 under rule 9 of the I.B. (Application to Adjudicating Authority) Rules, 2016 by Mr. Sonu Jain, F.C.A. has been filed before the Tribunal. Now the question arises which application is to be admitted and who will be appointed as I.R.P.

In the above circumstances, the Operational Creditor is directed to cure the defects by withdrawing one application or take steps for amending the application within seven days from the date of this order.

Sd

Let the certified copy of the order be issued upon compliance with requisite formalities and the copy of the order may be communicated to the Operational Creditor and the Corporate Debtor.

List the matter on 23.02. 2018 for further hearing.

Sd/

(Jinan K.R.)  
Member (J)

Signed on this, the 15<sup>th</sup> day of February, 2018