

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal(AT) (Insolvency) No. 607 of 2022**

IN THE MATTER OF:

Manoj Kulshrestha

...Appellant

Versus

Amarjeet Singh Kalra & Ors.

...Respondents

Present:

**For Appellant : Mr. Saurabh Jain and Mr. Abhindra Maheshwari,
Advocates.**

For Respondents : None.

**O R D E R
(Through Virtual Mode)**

18.07.2022 Heard learned Counsel for the Appellant. This Appeal has been filed by the Appellant against an order dated 18.04.2022 passed by the Adjudicating Authority in I.A. No. 6045 of 2021. The Application I.A. No. 6045 was filed by erstwhile IRP. Observations have been made by the Adjudicating Authority against the present Resolution Professional (in short 'RP') that RP has not taken any steps. Further, the Adjudicating Authority has observed that RP has failed to discharge his duties and matter be referred to IBBI for taking appropriate action.

2. Learned Counsel for the Appellant further submits that the Directors were not traceable. In pursuance of our order passed in this Appeal dated 31.05.2022, Additional Affidavit has been filed by the Appellant. In the Additional Affidavit, details of facts and events have been indicated where with regard to absconding Directors, investigation has been undertaken by the Director of Serious Fraud Investigation Officer (in short SFIO) as well as CBI.

Proceeding under Section 91 of Cr.PC has also been initiated against the promoters and Directors. The Additional Affidavit clearly indicates that Central Agencies have taken steps to trace out the Directors, but, they are untraceable.

3. We are of the view that observations made by the Adjudicating Authority in the impugned order against RP that he has failed to discharge his duties, are not sustainable and in result we delete the adverse observations made against the RP as well as referring the matter to IBBI made in impugned order dated 18.04.2022. The following observations stand deleted:

“It appears that the present RP has failed to not only to pursue the Application but also in complying with the directions of this Bench and thereby, in discharging his duties property in this regard. Let the matter be referred to the IBBI for taking appropriate action.”

4. The Appeal is allowed accordingly.

It shall be open for the Adjudicating Authority to proceed further in accordance with law.

(Justice Ashok Bhushan)
Chairperson

(Justice M. Satyanarayana Murthy)
Member(Judicial)

(Barun Mitra)
Member(Technical)

Akc/NN