

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI  
BENCH-VI**

**I.A/2401/2023  
IN  
CP(IB)-1899/ND/2019**

*(Under Section 60(5) of IBC, 2016)*

**IN THE SETTLED MATTER OF -**

**M/S CARGO PLANNERS LTD.**

...OPERATIONAL CREDITOR

VS

**M/S AAKRITI INFO-MEDIA PRIVATE LIMITED**

...CORPORATE DEBTOR

**AND IN THE MATTER OF:**

**RAKESH BHATIA**

Interim Resolution Professional

Aakriti Info-Media Private Limited

...APPLICANT/IRP

Vs

Cargo Planner Limited-In Liquidation

(Member of COC)

&

Govt. of NCT of Delhi

Department of Trade and Taxes

Ward No 91 Delhi

(Member of COC)

...Respondent No 1

...Respondent No 2

**CORAM:**

**SHRI MAHENDRA KHANDELWAL (HON'BLE MEMBER, JUDICIAL)**

**SHRI RAHUL BHATNAGAR (HON'BLE MEMBER, TECHNICAL)**

**Appearance:-**

**For the Liquidator/Applicant**

**For the Applicant**

:Adv. Priyanshi Sharma

:Adv. Ashutosh Gupta, Adv.

Gaurav Rana, Adv. Ajitesh

Kumar, Adv. Shresth in

IA/2401/2023.

**For the Respondent/Corporate Debtor**

:Adv. Akshay Goel, Adv. Harsh

Jadon for R-1 in IA/2401/2023.

**ORDER**

**PER: RAHUL BHATNAGAR, MEMBER (TECHNICAL)**

**Date of Pronouncement - 23.08.2024**

**IA/2401/2023**

1. This is an application filed on behalf of the interim Resolution Professional under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of NCLT Rules, 2016 for seeking directions for payment of CIRP expenses as directed in order dated 09.03.2023 of this Adjudicating Authority in IB-1899/ND/2019 in IA/2401/2023.

2. This Tribunal vide order dated 09.03.2023 in IB-1899/ND/2019 in IA/2401/2023 of the Corporate Debtor and ordered liquidation of the Corporate Debtor namely M/s. Aakriti Info Media Pvt. Ltd. While passing the order for liquidation this Tribunal had also appointed Mr. Ashok Kumar Juneja to act as Liquidator in the matter. In the same order this Tribunal had directed the CoC to pay the remuneration and expenses of the IRP (Mr. Rakesh Bhatia) including that all professional advisors subject to the provisions of the Insolvency and Bankruptcy Code, 2016 and CIRP Resolutions, 2016.

3. It is observed that the CoC consisted of two Members i.e. Cargo Planners Ltd. and Department of Trade & Taxes NCT of Delhi. The respective voting share of the two Members was 24.17% & 75.83% (on the basis of admitted claim). In respect of this application for payment of pending fees and CIRP cost incurred by the IRP, notice was sent to the Members of the CoC for their appearance and reply. However, the Department of Trade & Taxes NCT of Delhi did not appear in spite of the proper service and they were set *ex parte*

vide order dated 19.07.2024. The counsel for the Financial Creditor i.e Cargo Planners Ltd. has appeared on the various dates.

4. On 21.08.2024, hearing was conducted in the presence of the Counsel for Petitioner i.e. IRP and the member of CoC (Cargo Planners Ltd.). The IRP had submitted a claim of total amount of Rs. 11,15,050/- to the CoC for payment as fees of IRP and CIRP expenses and demanded that this should be paid to the IRP in the ratio of 75.83% (Department of Trade & Taxes NCT of Delhi) & 24.1% (Cargo Planners Ltd.).

5. Both the parties requested this Adjudicating Authority to settle the claim so that the litigation in respect of this matter ends, and the IRP who has paid the expenses himself is also reimbursed appropriately. After hearing the parties and with their consent it was agreed that instead of Rs. 11,15,050/- the CoC would pay to the IRP total sum of Rs. 8,00,000/- which would include the fees of the IRP as well as the expenditure incurred by him on the CIRP process. The above amount of Rs. 8,00,000/- would be shared between the members of the CoC in the ratio of their voting share based upon their admitted claim. Accordingly, the Department of Trade & Taxes NCT of Delhi would have to pay Rs. 6,06,640/- and the Cargo Planners Ltd. would have to pay Rs. 1,93,360/- to the applicant. The amount paid as advance by the Operational Creditor (Cargo Planners Ltd.) at the time of commencement of CIRP would be adjusted against the amount due from him to the IRP.

6. The Department of Trade & Taxes NCT of Delhi and the Financial Creditor (Cargo Planners Ltd.) are directed to strictly comply with the above directions

and release the payments as above to the IRP/Applicant within a period of three weeks.

7. Copy of this order is to be served to the Parties and the IRP is directed to serve the copy of this order to concerned Officer of the Department of Trade & Taxes NCT of Delhi. The IRP be at liberty to approach this Tribunal, in case of failure of any of the Parties to comply with these orders.

8. This IA is accordingly **disposed of** in terms of the observations and the directions.

-SD/-  
**(RAHUL BHATNAGAR)**  
**MEMBER (TECHNICAL)**

-SD/-  
**(MAHENDRA KHANDELWAL)**  
**MEMBER (JUDICIAL)**