

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Ins.) No.327 of 2024

IN THE MATTER OF:

Ravi Kumar

...Appellant

Versus

Chevrox Construction Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant: Mr. Abhijit Sinha, Sr. Advocate with Mr. Nakul Mohta, Mr. Gursharan H. Virk, Ms. Riya Dhingra, Advocates.

For Respondents: Mr. Malak Bhatt, Mr. Munjaal Bhatt, Ms. Neeha Nagpal and Mr. Mandeep Singh, Advocates for R-1.

CA Subodh Kumar Agrawal, IRP.

O R D E R
(Hybrid Mode)

16.02.2024: This Appeal has been filed against the order dated 09.02.2024 passed by the NCLT, Kolkata Bench, Court 1 in an application under Section 9. The Adjudicating Authority by the impugned order has admitted Section 9 application and appointed an IRP. This Appeal was filed by the Appellant on 13.02.2024, on which date following order was passed by this Tribunal:

“O R D E R
(Hybrid Mode)

13.02.2024: *Learned counsel for the Appellant submits that after order dated 09.02.2024 admitting*

Cont'd.../

Section 9 application filed by the Operational Creditor there has been settlement between the parties and as per the settlement part payment has already been made and entire amount has to be paid by 19.02.2024 i.e. Monday. It is submitted that the Appellant is ready to pay the amount even before the agreed date. Respondent No.1 has agreed to the settlement, as stated by learned counsel for the Respondent No.1.

Learned counsel for the Appellant seeks liberty to file affidavit/ application bringing settlement and details of payment on record.

*List this Appeal on **16.02.2024**.*

In the meantime, order dated 09.02.2024 passed by National Company Law Tribunal, Kolkata Bench, Court-1 in CP(IB) No.311/KB/2022 shall remain stayed.”

2. An I.A. has been e-filed by the Appellant praying for allowing the application and setting aside the impugned order. In the application it is stated that entire amount has been paid to the Operational Creditor.
3. Learned counsel for the Respondent Operational Creditor appears and submits that he has received the entire amount.
4. IRP appears and submits that he has made publication and he has to receive payment for his fee and expenses.
5. In facts of the present case, we direct the appellant to pay 50% of the fee of the IRP as directed by the Adjudicating Authority i.e. Rs.1.50 Lakh,

which shall cover expenses and fee of the IRP. The said amount be paid to the IRP within two weeks from today. Taking the application on record, we allow the application. Set aside impugned order dated 09.02.2024. Close the CIRP. Appeal is disposed of.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn