

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

**Company Appeal (AT) (Insolvency) No.1042 of 2023
& I.A. No. 3568 of 2023**

IN THE MATTER OF:

Greenopolis Welfare Association (AOP)

...Appellant

Versus

**Pradeep Kumar Kaushik
Interim Resolution Professional of
Three C Shelters Pvt. Ltd. & Anr.**

...Respondents

Present:

For Appellant: Mr. Sumesh Dhawan, Ms. Pooja Mahajan, Ms. Shreya Mahalwan, Ms. Shanya, Mr. Karam Vir Khosla, Advocates.

For Respondent: Mr. Ramji Srinivansan, Sr. Advocate with Ms. Namrata, Mr. Prageet, Advocates for GWC

Mr. Gaurav Mitra, Mr. Ishan Chowdhury, Ms. Shaswati Parhi, Ms. Vijeta Singh, Mr. Arnab Behari, Advocates for R1.

Mr. Abhishek Kumar, Mr. Amit Kumar Sharma, Advocates for R2- IBBI

ORDER

24.08.2023: Heard learned counsel for the Appellant. This Appeal has been filed against the order dated 16.06.2023 by which order was passed in I.A. No.3304/ND/2023 which was filed by the RP seeking direction against the IBBI including direction not to initiate any proceedings against the applicant and to stay the investigation/proceeding in the subject matter of the case.

2. When this Appeal was taken by this Tribunal on 10.08.2023, the Court was informed that the application is to be heard by the Adjudicating Authority

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on the same day. In view of the aforesaid hearing, this Appeal was adjourned. Today, learned counsel for the Appellant has brought into notice of the last order passed by the Adjudicating Authority dated 10.08.2022 where the Adjudicating Authority has already issued clarification in following words:

“On reading of the order in its totality, this Adjudicating Authority is of the view that IBBI is a disciplinary authority as well as regulating the conduct of the IRP/RP concerned. Therefore, at no stretch of imagination, this order can be read as an order restraining or curtailing the powers, more particularly the disciplinary powers, which can be exercised by IBBI.”

3. In view of the above clarification as contained in order dated 10.08.2023 of the Adjudicating Authority, we are of the view that there is no purpose in entertaining the Appeal or proceeding any further in the Appeal. With these observations, we dismiss the Appeal.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

Archana/nn