

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Special Bench)

Item No.-509

(IB)-264(PB)/2023

New IA/3183/2023, New IA/3253/2023, New IA/3254/2023, New
IA/3277/2023, New IA/3280/2023, IA-2944/2023, IA-3048/2023, IA-
2850/2023

IN THE MATTER OF:

Go Airlines (India) Limited

....Applicant

SECTION

U/s 10 of IBC, 2016

Order delivered on 15.06.2023

CORAM:

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

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

PRESENT:

For the Applicant : Mr. Ameya Gokhale in IA-3277, 3280/2023, Mr. Arun Kathpalia, Sr Adv with Mr. Vaijayant Paliwal, Mr. Nikhil Matur, Mr. Rishabh Jaisani, Ms. Salonee Kulkarni, Mr. Harit Lakhani, Ms. Dilsheen Kaur in IA-2944/2023, Sr Adv Arvind Nayar, Mr. P Goyal, Mr. C Sharma, Ms. Apoorva Kaushik, Mr. Akshay Joshi, Mr. Shubham Pandey, in IA-3254/2023, Sr. Adv Chinmoy Pradip Sharma, Mr. Ritesh Singh, Mr. Navneet Singh, Ms. Anchal Nanda, Mr. Hetram Bishnoi, Mr. Ajay Kumar, Ms. Gurnoor Kaur, Sr Adv R Banerjee, Mr. Saket Satapathy, Mr. Anubhav Dutta, Mr. Shivam Kumar, Mr. Zashank Mehta, in IA-3048/23

For the Respondent :

For the CoC : Sr Adv Niranjana Reddy, Mr. Dheeraj Nair, Mr. Varghese Thomas, Mr. Angao Baxi, Ms. Vishrutyi Sahani, Ms. Aditi, Ms. Fatena, Mr. Akhil, Mr. Sahil

For the IRP : Mr. Narish Salve Sr. Adv, Adv Ramji S Sr. Adv, Adv Ramakant Rai, Adv Siddharth, Adv Varun, Adv Somesh Srivastava, Adv Nishi, Adv Kumar Gaurav, Adv Aryan Agarwal, Adv Drishti Kaushik

ORDER

New IA/3183/2023:-

This is a report filed by the IRP (Mr. Abhilash Lal) to take on record the report dated 27.05.2023 by the IRP certifying the Constitution of the CoC of the Corporate Debtor. Heard Ld. Sr. Counsel appearing on behalf of the Applicant. The report dated 27.05.2023 certifying the Constitution of CoC is taken on record with just exceptions.

Accordingly, the present **IA is allowed.**

New IA/3253/2023:-

This is an application under Section 22(3)(b) of the IBC filed on behalf of the Committee of Creditors of the Corporate Debtor by Central Bank of India seeking approval of the replacement of the IRP Mr. Abhilash Lal and appointment of Mr. Shailendra Ajmera having IBBI Registration No-IBBI/IPA-001/IP-P00304/2017-2018/10568 as the Resolution Professional of the Corporate Debtor which was approved by the Committee of Creditors in its meeting held on 09.06.2023. It has been brought to our notice that CoC in its meeting held on 09.06.2023 with 100 per cent voting, proposed the appointment of Mr. Shailendra Ajmera as the Resolution Professional in place of Mr. Abhilash Lal who had been appointed as IRP earlier. Heard Ld. Counsel for the CoC. In view of the fact that CoC has resolved to replace the existing IRP with the new RP, we approve the appointment of Mr. Shailendra Ajmera, particulars of whom are given above as the Resolution Professional of the Corporate Debtor. The RP should comply with the relevant provisions of the IBC and perform the duties assigned to him under the Code, in particular those related to Section 25(1) of the Code regarding protection of the assets with respect to which he has the responsibility assigned to him in the current proceedings under the Code. In view of the above, the **present IA is allowed.**

New IA/3254/2023, New IA/3277/2023, New IA/3280/2023:-

These are the applications filed under Section 60(5)C of the IBC. Heard Ld. Counsel for the Applicant. The RP may file reply within 2 weeks and rejoinder thereafter, if any, be filed within one week. List the matter on **06.07.2023**.

IA-2944/2023, IA-3048/2023, IA-2850/2023:-

These are the applications under Section 60(5) of IBC. On the previous date of hearing i.e. on 05.06.2023, the IRP was directed to file reply within a week. However, the IRP has not filed the reply. The CoC in its meeting held on 09.06.2023 has replaced the IRP with a new RP and this Adjudicating Authority today has approved the appointment of the new RP. In view of the changed circumstances, new RP is directed to file the reply within a week and thereafter rejoinder, if any, be filed within a week. The RP should comply with the relevant provisions of the IBC and perform the duties assigned to him under the Code, in particular those related to Section 25(1) of the Code regarding protection of the assets with respect to which he has the responsibility assigned to him in the current proceedings under the Code. List the matter on **06.07.2023**.

**Sd/-
(RAHUL BHATNAGAR)
MEMBER (T)**

**Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)**