

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 205
(IB)-68/ND/2024
IA-1486/2024

IN THE MATTER OF:

IDBI Bank Limited
(Through Jai Kishan Teotia)
Versus

... **Applicant/Petitioner**

Shri Viraf Sarkari

... **Respondent**

Under Section: 95(1) of IBC, 2016

Order delivered on 13.05.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Applicant :

For the Respondent :

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-1486/2024: Mr. Rajiv Mehra, Ld. Sr. Counsel appearing for the PG submitted inter alia that Section 95(1) of IBC, 2016, provides for filing of application by creditor either itself or along with other creditors, through RP or Director, thus it is to be seen as to whether in such proceedings the RP can engage a counsel to pursue the application filed under Section 95(1) of the Code, as the code does not so provide. Confronted with the plea, Mr. Sandeep Bhatt, Ld. Cost Accountant submitted that now at this stage when the report of the RP in terms of the provisions of Section 99 of IBC has been filed and the RP is holding his office in terms of provisions of Section 97 of IBC, 2016, he was very much authorised to appoint him as his representative. In such situation, the question arises as to whether Mr. Bhatt is representing both Creditor and RP or the RP alone. In the circumstances as prayed by Mr. Bhatt, 2 weeks' time is granted to him to prepare his submission on the issue. As prayed by Mr. Bhatt, Cost Accountant and Mr. Mehra, Ld. Sr. Counsel for the PG, the matter is kept as part heard.

List on 27.05.2024.

Sd/-

(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-

(ASHOK KUMAR BHARDWAJ)
MEMBER (J)