

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.9- IA/765(AHM) 2024
In
CP(IB) 3 of 2017

Proceedings under Section 9 IBC

IN THE MATTER OF:

Umiya Trading
Stratus Foods Pvt Ltd

V/s

.....Applicant

.....Respondent

Order delivered on: 13/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Saurabh Rachchh, Advocate
For the Respondent :

ORDER

IA/765(AHM) 2024

This is an application filed by the applicant under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Regulation 31A of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016 read with Rule 11 and 32 of the NCLT Rules, 2016, for replacement of the Liquidator Mr. Nirav Anupam Tarkas.

It is seen that, applicant has no locus to challenge / seek to replace the liquidator, as neither the SCC has resolved nor the applicant is part of the SCC.

The locus of the Applicant, as per the counsel, is that the claim was filed by the Applicant before the Liquidator and the outcome of the claim is not known to the applicant.

In our view, the present application at the instance of the Applicant is not maintainable.

Hence, **IA/765(AHM) 2024** stands dismissed accordingly.

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SAMEER KAKAR
MEMBER (TECHNICAL)

-sd-

SHAMMI KHAN
MEMBER (JUDICIAL)