

**IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD**  
**COURT - 2**

ITEM No 1- IA 1080 of 2022  
In  
CP(IB) 162 of 2018

**Proceedings under Section 9 IBC**

**IN THE MATTER OF:**

SMC Industries Pvt Ltd  
V/s  
Shaifali Rolls Ltd

.....Applicant

.....Respondent

**Order delivered on ..12/12/2022**

**Coram:**

Dr. Deepti Mukesh, Hon'ble Member(J)  
Ajai Das Mehrotra, Hon'ble Member(T)

**PRESENT:**

For the Applicant : Ms. Parinda Davawala, Adv.  
For the SRA : Mr. Tirth Nayak, Adv.

**ORDER**

**IA 1080 of 2022**

Application is filed by the EPFO department seeking direction against RP of the corporate debtor M/s. Shaifali Rolls Limited. Learned Counsel appearing for the Successful Resolution Applicant states the RP has become functus officio, as the resolution plan was approved by the CoC in the year 2019, and the same has been fully implemented, and nothing survives, hence, this application is not maintainable and be dismissed.

It is seen that there are some documents annexed by the applicant about the claim filed prior to approval of resolution plan in the year 2019, and correspondence from RP. Learned Counsel for the Successful Resolution Applicant states that as per the plans whatever provisions were made for Government dues the same are paid. Let an affidavit in form of reply be filed by the Successful Resolution Applicant. Learned Counsel for the applicant seeks and is granted one week time to substitute the name of RP by the Successful Resolution Applicant as respondent, and file the amended memo of parties and serve the copy of application and amended memo to the Learned Counsel for the Successful Resolution Applicant within three days. Let reply be filed by the Successful Resolution Applicant within two weeks.

List on 10.01.2023.

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**AJAI DAS MEHROTRA  
MEMBER (TECHNICAL)**

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**DR. DEEPTI MUKESH  
MEMBER (JUDICIAL)**