

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH, COURT-II**

**13. IA 5318/2023 IA 3440/2023-66 IA 1910/2023 IA 2471/2023  
IA 4310/2023 In C.P. (IB)/4455(MB)2019**

**CORAM:**

**SHRI ANIL RAJ CHELLAN  
HON'BLE MEMBER (T)**

**SHRI KULDIP KUMAR KAREER  
HON'BLE MEMBER (J)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 19.06.2024**

**NAME OF THE PARTIES: - IA 5318/2023 Mr. Prakash Dattatraya  
Naringrekar**

**V/s**

**The Liquidator CKP Co-Operative Bank  
Limited**

**IA 3440/2023 Mr. Prakash Dattatraya  
Naringrekar (Resolution Professional of  
M/S. Nanai Dairy Private Limited)**

**V/s**

**Mr. Vijay Ramesh Vaidya**

**IA 1910/2023 Mr Prakash Dattareya  
Naringrekar Resolution Professional of  
Nanai Dairy Private Limited**

**V/s**

**Mr Vijay Ramesh Vaidya**

**IA 2471/2023 Mr Prakash Dattatraya  
Naringrekar Resolution Professional of  
Nanai Dairy Private Limited**

**V/s**

**The Liquidator of Ckp Co-Op. Bank Ltd  
(In Liquidation)**

**IA 4310/2023 The Liquidator Ckp Co-Op.  
Bank Ltd**

**V/s**

**Nanai Dairy Pvt Ltd**

**IN THE MATTER OF**

**Bank of Maharashtra**

**V/s**

**Nanai Dairy Pvt. Ltd**

**Section: 33(1) (b) (i) to (iii) r/w Sec 33(3) Sec 60(5) Sec 66(1) 19(2) Application  
under any other provisions- IBC U/s 7 of (IBC)**

**IA.No.5318/2023**: - Adv. Hitanshu Jain i/b Adv. Esha Malik appeared for Applicant RP through VC. Dr. D S Hatle appeared for the Respondent CKP bank. This application has been filed by the Resolution Professional (RP) for the Corporate Debtor seeking directions to the Respondent to make payment of unpaid fees of the applicant (the share of the RP fees @ 34.79%) which amounts to Rs. 2,05,261/- (including fees of Rs. 1,73,950/- and GST @ 18% amounting to Rs. 31,311/-) to the applicant.

The CIRP against the Corporate Debtor was initiated pursuant to an order of this Tribunal dated 24.01.2023 and the applicant was appointed as IRP. During the CIRP process, Committee of Creditors was constituted with Bank of Maharashtra and the Respondent with 65.21% and 34.79% voting rights. Since no Resolution Plan was approved by the CoC, this Tribunal vide its order dated 13.10.2023 approved liquidation of the Corporate Debtor and appointed Mr. Prashant Jain to act as a Liquidator, the Respondent No.2. The applicant in his capacity of IRP and RP incurred fees and expenses to run the CIRP process of the Corporate Debtor and Bank of Maharashtra as CoC member has paid its share of fees @ 65.21% from time to time as per the invoices raised by the applicant. However, the share of the Respondent No.1 remained pending on account of which the present application is filed against the Respondent No.1

Respondent No.1 filed its reply affidavit on 07.12.2023 contending that Respondent No.1 is a co-operative bank registered under the provision of the Maharashtra Co-operative Societies Act (MCS Act, 1960) presently in liquidation and therefore, the liquidator is in the process of liquidating the assets of the bank to pay the depositors. Respondent No.1 further contended that the applicant has not furnished the details of the professional fees claimed by the applicant. The applicant therefore, filed an additional affidavit dated 29.02.2024 providing the details of the fees and expenses incurred by the applicant during his tenure as IRP and RP.

We have heard the counsel appearing for the parties. It is admitted by the Respondent No.1 that its share of CIRP expenses is yet to be paid and that the applicant has provided the details of the fees and expenses incurred. As per the CIRP Regulations the CIRP costs is to be incurred by the CoC members. The applicant has performed his professional duties and no objection has been raised as regards the function or discharge of the duties by the applicant. The applicant is not involved in the liquidation of Corporate Debtor. Considering the amount involved and the nature of the claim made by the applicant we are satisfied that the applicant cannot be made to wait till realization of the assets in liquidation of the Corporate Debtor and/or liquidation of Respondent No.1. We therefore, directs the Respondent No.1 to make the payment within two weeks from the date of this order to the applicant. **IA.No.5318/2023 is allowed and disposed of** accordingly.

**IA.No.3440/2023**: - Adv. Mily Ghoshal a/w Adv. Ritika Vijan appeared for the applicant/Liquidator. No reply has been filed on behalf of the Respondent despite last opportunity was granted and therefore the right to file reply of the Respondent is forfeited. List this matter on **11.07.2024**.

**IA.No.1910/2023**: - Adv. Mily Ghoshal a/w Adv. Ritika Vijan appeared for the applicant/Liquidator. Counsel for the Respondent seeks time to file reply. Time granted. A last and final opportunity is granted to the respondent to file their reply. Let the reply be filed well before the next date of hearing. List this matter on **11.07.2024**.

**IA.No.2471/2023**: - Adv. Mily Ghoshal a/w Adv. Ritika Vijan appeared for the applicant/Liquidator. List this matter on **11.07.2024**.

**IA.No.4310/2023**: - Adv. Mily Ghoshal a/w Adv. Ritika Vijan appeared for the Respondent. List this matter on **11.07.2024**.

Sd/-  
**ANIL RAJ CHELLAN**  
**Member (Technical)**

*JAGDISH*

Sd/-  
**KULDIP KUMAR KAREER**  
**Member (Judicial)**