

# NATIONAL COMPANY LAW TRIBUNAL KOCHI BENCH

CORAM: SHRI RAVICHANDRAN RAMASAMY TMT. T.KRISHNA VALLI  
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

PETITION No./IA No.	IA(IBC)/188/KOB/2024 in IBA/11/KOB/2020
SECTION	SEC. 60(5) IBC
NAME OF PARTIES	PT JOY ERSTWHILE RP OF MIR REALTORS PRIVATE LIMITED V/S ANNIE ABRAHAM (LIQUIDATOR) OF MIR REALTORS PRIVATE LIMITED AND 2 OTHERS.
PETITIONERS ADVOCATE/ PROFESSIONAL	AMRITHA AJITH , MS RANIYA SHERIN
RESPONDENTS ADVOCATE/ PROFESSIONAL	KEVIN THOMAS, MOHAN JACOB GEORGE

23rd JULY 2024

## ORDER

### IA(IBC)/188/KOB/2024 in IBA/11/KOB/2020

Learned Counsel, Mr. Rohan Kumar appears virtually on behalf of the Applicant. R1 is represented by Learned Counsel, Mr. Kevin Thomas through virtual mode. Learned Counsel, Mr. Nigi Goerge appears on behalf of R2 through virtual mode.

Vide order dated 05.07.2024, R3 was directed to cause appearance and to file reply affidavit. However, today when the matter was listed on board for hearing, none appeared on behalf of R3. Accordingly, R3 is proceeded *ex-parte*.

This is an application filed by the erstwhile RP, Mr. P T Joy to make the payment of 5,60,500/- as CIRP costs. The SCC has not considered the same stating that the RP is functus officio and functioned during the interregnum period of transition between CIRP period and Liquidation. The fact remains that the CIRP costs have been incurred and therefore the same is payable by the SCC. This Bench is of the view that the Applicant/Erstwhile RP is entitled to receive the CIRP costs. It is seen from Page 60 of

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the present Application (Minutes of proceedings of First CoC meeting), that the Respondent Nos. 2 & 3 have undertaken to pay the amount due from them. Since R2 & R3 have already agreed to make their payment, other members of the SCC also should pay the due amount in the same proportion according to their voting share. Liquidator is directed to ensure that SCC makes the payments within a period of two weeks and a Compliance Memo is filed to that effect.

List for further consideration on **26.08.2024**.

**Sd /-**

**RAVICHANDRAN RAMASAMY  
MEMBER (TECHNICAL)**

**Sd /-**

**T.KRISHNA VALLI  
MEMBER (JUDICIAL)**