

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT – II
CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL, CHENNAI BENCH, HELD ON 03-05-2024 AT 10.30 A.M. THROUGH VIDEO CONFERENCING:

**PRESENT : SHRI. JYOTI KUMAR TRIPATHI, HON'BLE MEMBER (JUDICIAL)
SHRI. RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)**

APPLICATION NUMBER : IA/IB/659/2024

PETITION NUMBER : CP/IB/187/2021

NAME OF THE PETITIONER : Arunachalam Tenzing

NAME OF THE RESPONDENT(S) : S Muthuraju (IRP) (Kannan Kaliappa Nadar)

UNDER SECTION : Sec 60(5) r/w Sec 98 of IBC, 2016

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SHRI. RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)**

APPLICATION NUMBER : IA/IB/642/2024

PETITION NUMBER : CP/IB/188/2021

NAME OF THE PETITIONER : Arunachalam Tenzing

**NAME OF THE RESPONDENT(S) : S Muthuraju (IRP) (Mariappan
Thangeshwari)**

UNDER SECTION : Sec 60(5) r/w Sec 98 of IBC, 2016

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114. IA/IB/659/2024 IN CP/IB/187/2021

115. IA/IB/642/2024 IN CP/IB/188/2021

COMMON ORDER

Ld. Counsel Mr.S. Prithivi Raj for the Applicant. Ld. Counsel Ms.Akila for the RP.

In this Case the Applicant could not file the Memo and **Registry is directed** to accept the Memo.

This is an application seeking removal of the existing IRP. In related Case, in IA/626/2024 this IRP has been replaced.

The Applicant submits that,

"RP/Respondent herein has previously served as the IRP of M/s Thirupur Suriya Textiles and was subsequently replaced by Mr.G.V.Ravikumar as RP. The said Thirupur Suriya Textiles gone into liquidation.

IBBI conducted inspection of the Respondent actions as IRP of Thirupur Textiles Pvt Ltd by appointing an Inspecting Authority and based on the inspection report, Respondent/RP herein was given show cause notice.

Subsequently, the matter went into Disciplinary Committee, where the CD upon considering the facts and material passed Suspension Order on 12.04.2023, suspended the registration of IRP/Respondent herein for a period of one year w.e.f. 11.05.2023."

Section 98(1) of IBC, 2016 which provides for Creditor to move application seeking replacement of RP and the provision is extracted as follows:-

(Contd...4)

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Section 98 Replacement of Resolution Professional,

(1) "Where the debtor or the creditor is of the opinion that the resolution professional appointed under section 97 is required to be replaced, he may apply to the Adjudicating Authority for the replacement of the such Resolution Professional."

Considering the facts, situation and the nature of the prayer, after verifying with the IBBI Portal, we appoint Mr.S. Hari Karthik (Email id harikarthikscma@gmail.com) having IBBI/IPA-002/IP-N01201/2021-2022/14009, AFA till 10.12.2024, as IRP in respect of IA/IB/659/2024 and IA/IB/642/2024.

Registry is directed to communicate the order to the RP appointed herein.

Accordingly, the Applications are **allowed and disposed of**.

-Sd-

RAVICHANDRAN RAMASAMY
Member (Technical)

ss

-Sd-

JYOTI KUMAR TRIPATHI
Member (Judicial)