

**THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

Item 36

**CA No. 980/2019
in
CP(IB) No. 267/Chd/Pb/2018
(Admitted)**

**Under Section 9 IBC 2016,
R 11, NCLT Rules**

In the matter of:-

Modi Distillery

...Petitioner/ Operational Creditor

Vs.

Jai Bhole Nath Enterprises Pvt. Ltd.

...Respondent/ Corporate Debtor

Present: Mr. Pulkit Goyal with Mr. Prajwal Chauhan, Advocates for the CoC.
Mr. Rajvir Singh Sihag, Advocate for the RP.
Mr. Udit Kant Nautiyal, Advocate for respondent no. 1 in CA No. 980/2019.
Mr. Karanveer Jindal, Advocate for respondent no. 2 and 3 in CA 980/2019.

CA No. 980/2019

It is stated by learned counsel for the applicant that by letter dated 08.05.2019 placed at page No. 55 of CA No. 980/2019, the Operational Creditor i.e. Modi Distillery has admitted the claimable expense amounting to Rs. 2,54,509/- of the IRP. It is stated by learned counsel for the applicant that the expenses claimed by the IRP pertains to the period from 15.04.2019 to 30.08.2019 i.e. when the RP took over IRP. The learned counsel for the CoC is directed to clarify whether any amount has been ratified by the CoC for payment of IRP during the aforementioned period. The learned counsel for the applicant is directed to furnish the justification for out of pocket expenses claimed by the IRP. It is stated by learned counsel for the CoC that as per Regulation 33 of the CIRP Regulations, the CoC has to reimburse the amount to the

extent it ratifies. In the present context, the learned counsel for the CoC is directed to place on record the minutes of CoC meetings where the ratification of the expenses has been made and also to clarify how the amount is payable by the CoC if the members of CoC have not ratified the same. List the matter on 14.04.2023.

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(Subrata Kumar Dash)
Member (Technical)

March 03, 2023

SM

-sd-

(Harnam Singh Thakur)
Member (Judicial)