

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
NEW DELHI COURT III (SPECIAL BENCH)**

Item No. 316

IA-1931/2023 IA-4321/2020

In

IB-1330(ND)/2019

IN THE MATTER OF:

M/s. Elan Professional Appliances Pvt. Ltd.

.....APPLICANT/PETITIONER

Vs

M/s. Customized Kitchen (India) Pvt. Ltd.

.....RESPONDENT

SECTION

U/s 9 of IBC, 2016

Order delivered on 08.05.2024

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant :

For the Liquidator : Mr. Sanjeev Kataria, Adv, a/w Mr. Gulshan Kumar Gupta,
Liquidator in Person

For Sus. Directors : Mr. Tarun Raj Arora and Jyoti Arora, in person.

For the Respondent : Mr. Manasvi, Proxy Counsel for Respondent no. 1

HYBRID HEARING (PHYSICAL & VC)

ORDER

IA-1931/2023:-

In compliance with the order dated 16.02.2024, the Applicant has served the notice along with a copy of the application to the RoC and filed proof and affidavit of service along with speed post tracking report, on 08.03.2024. The service on the RoC is complete. No one has appeared on behalf of the RoC nor filed any report.

List the matter on **17.05.2024**.

IA-4321/2020:-

This application has been filed seeking the following directions:-

- *To direct the Respondent No. 1 to return the entire amount of Rs. 8,00,000/- to the Resolution Professional.*
- *To direct the Respondent No. 1 to return the entire amount of Rs. 1,25,000/- to the Resolution Professional which he charged from the Directors of the*

Suspended Directors over and above the settlement amount towards the CIRP expenses.

- *To direct the Respondent No. 1 to pay of Rs. 2,00,000/- to the Resolution Professional towards the CIRP costs after necessary adjustment of the amounts already paid by him to the RP.*

We have heard the submissions made by the Learned Counsel appearing for the Liquidator. Mr. Tarun Raj Arora and Ms. Jyoti Arora, Suspended Directors appeared in person and submitted that they have made partial payment of the settled amount to the Respondent No. 1.

Mr. Manasvi, Proxy Counsel appears on behalf of the Respondent No. 1 and seeks an adjournment on the ground that the main Counsel is not available due to health reasons. The Respondent No. 1 is directed to take instructions with regard to the partial payment made by Respondent No. 2 and filed an affidavit in this regard before the next date of hearing.

List the matter on **17.05.2024**.

Sd/-
(RAHUL BHATNAGAR)
MEMBER (TECHNICAL)

Sd/-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)