

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH (COURT – II)**

**Item No. 306**  
**(IB)-1416(ND)2019**  
**New IA- 1780/2024, New IA- 1813/2024**

**IN THE MATTER OF:**  
**Vijaya Purohit**

... **Appellant/Petitioner**

**Versus**

**M/s. Trading Engineers (International) Ltd.**

...

**Respondent**

**Under Section: 9 of IBC, 2016**

**Order delivered on 30.04.2024**

**CORAM:**

**SH. ASHOK KUMAR BHARDWAJ**  
**HON'BLE MEMBER (J)**

**SH. SUBRATA KUMAR DASH**  
**HON'BLE MEMBER (T)**

**PRESENT:**

**For the Applicant** : Adv. Siddharth Sangal, Adv. Chirag Sharma in  
IA-1813/2024

**For the Respondent** :

**HYBRID HEARING (PHYSICAL & VC)**

**ORDER**

**IA-1780/2024:** The prayer made in the captioned application reads thus:-

*“In light of the above mentioned facts, the Applicant most respectfully prays before this Hon'ble Tribunal that it may be most graciously be pleased to:*

- a. Appoint Vivek Parti having IBBI registration number as IBBI/ IPA-001/IP-P00813/2017-2018/11376 to act as Resolution Professional in the Corporate Insolvency Resolution Process of the Corporate Debtor in the terms of the decision taken in 20<sup>th</sup> CoC meeting held on 16.03.2024;*
- b. Direct the CoC to clear the pending dues of the Applicant;*
- c. Pass any other order as this Hon'ble Court may deem fit in light of facts and circumstances of the case.”*

The Ld. Counsel for the Applicant (RP) submitted that its 20<sup>th</sup> meeting held on 16.03.2024, the CoC could pass Resolution in terms of the provisions of Section 27 of IBC, 2016 for replacement of the RP. The relevant excerpt of the Resolution passed by CoC (Annexure- A-2) reads thus:

**ITEM NO. B6 : TO APPROVE THE APPOINTMENT OF NEW RP IN PLACE OF EXISTING RESOLUTION PROFESSIONAL**

The Chairman presented before the CoC the request received from SBI wherein they have proposed the appointment of a new RP to act as the Resolution Professional for the Corporate Debtor. The Chairman placed before the CoC the consent form along with IBBI certificate and AFA certificate submitted by Mr. Vivek Parti.

Accordingly, the Chairman requested the CoC member to consider and, if thought fit, to pass the following resolution:

**“RESOLVED THAT** in terms of provisions of Section 27(2) of the Insolvency and Bankruptcy Code, 2016, consent of the CoC members be and is hereby accorded to appoint Mr. Vivek Parti having IBBI registration number as IBBI/IPA-001/IP-P00813/2017-2018/11376 as the Resolution Professional for Trading Engineers International Limited.

**RESOLVED FURTHER THAT** the Resolution Professional, Mr. Vivek Raheja, be and is hereby authorized to file the suitable application before Hon’ble NCLT to give effect of above stated resolution.”

The representative of BoB enquired about the bifurcation of the CIRP cost. The Chairman replied that it was shared and will again be shared. The Chairman also highlighted the fact that his fee and other professionals fee has not been cleared till date and thus requested the CoC to clear the pending dues before the RP replacement.

The CoC members proposed to vote on the stated resolution in the meeting itself. Following was the summary of votes casted by the members:

Name of the Organization	Voting Share (%)	Vote casted
1 State Bank of India	92.68%	Assented
2 Bank of Baroda	7.06%	Assented
3 Durlabhji Properties Private Limited	0.26%	Absent

Since 99.74% of voting in the favour of the resolution was received, the proposed resolution was declared as **PASSED** by the Resolution Professional.

**Vote of Thanks**

Since there was no other matter therefore, the meeting was concluded with a vote of thanks by chairman.

As can be seen from the aforementioned, the CoC has appointed Mr. Vivek Parti having IBBI registration number IBBI/IPA-001/IP-P00813/2017-2018/11376 as the Resolution Professional in place of Mr. Vivek Raheja RP. In view of the aforementioned and at the strength of Section 27 of IBC, 2016, we allow the prayer made in the application and take the appointment of newly appointed RP on record. **The IA stands disposed of.** Regarding his dues, the outgoing RP namely Mr. Vivek Raheja may take up the issue with CoC. We are sanguine that the CoC would take appropriate decision regarding the same within two weeks from today. **The IA stands disposed of.**

**IA- 1813/2024:** In view of the order passed in IA-1780/2024. **The application has become infructuous and is disposed of.**

**Sd/-**  
**(SUBRATA KUMAR DASH)**  
**MEMBER (T)**

**Sd/-**  
**(ASHOK KUMAR BHARDWAJ)**  
**MEMBER (J)**