

**IN THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL,
COURT VI AT NEW DELHI**

I.A No. 2250/ND/2024

IN

C.P.(IB) 430(ND)/2023

IN THE MATTER OF:

SUNIL GUPTA

(Director of M/s. SNR Electronics Ltd.)

.... PETITIONER

VERSUS

CANARA BANK & ORS.

.... RESPONDENTS

AND IN THE MATTER OF:

AASHISH GUPTA

[IBBI/IPA-001/IP-P-02540/2021-2022/13895]

**221-A/19, GROUND FLOOR,
ONKAR NAGAR-B, TRI NAGAR
NEW DELHI 110015.**

.....Applicant/ Resolution Professional

PRESENT:

For Petitioner:

For Applicant/RP.

ORDER DELIVERED ON: 10.05.2024

CORAM:

**SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)**

ORDER

PER : MAHENDRA KHANDELWAL, MEMBER (JUDICIAL)

1. That the present application has been filed by the Applicant/Resolution Professional under Section 60(5) of Insolvency and Bankruptcy Code, 2016 seeking his discharge from his duties in the capacity of Resolution Professional appointed in C.P.(IB) No.430/ND/2023, owing to unfortunate medical illness.
2. An application under Section 94(1) of the Insolvency & Bankruptcy Code, 2016 ("Code") read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtor) Rules, 2019 ("Personal Guarantors Rules") bearing "CP (IB) No. 430 of 2023" ("Application") had been filed by the Mr. Sunil Gupta, Personal Guarantor ("Personal Guarantor") to M/s SNR Electronics Limited ("Corporate Debtor") for initiating the Insolvency Resolution Process in respect of himself.
3. Since the personal guarantor had not proposed the name of any RP, therefore this Adjudicating Authority vide order dated February 12, 2024 had appointed the Applicant herein namely Mr. Aashish Gupta as Resolution Professional ("RP/Applicant") in the matter under section 97(5) of the Code from within the roster of RP's maintained with it.
4. The RP was directed to examine the Application and thereafter file report under Section 99 the Code before this Adjudicating Authority. It was further directed that the Applicant shall take

necessary actions to perform the duties assigned upon the RP by virtue of relevant provisions of the Code.

5. Vide the aforesaid order dated 12.02.2024, this Adjudicating Authority also directed the Registry to intimate the Applicant regarding his appointment as the RP for the IR Process of the Personal Guarantor. The Applicant was intimated regarding the above-mentioned appointment vide email dated March 28, 2024. The said email was sent to the Applicant by counsel of the Personal Guarantor Mr. Vijay Tangri, Advocate.
6. That, pursuant to information received on March 28, 2024, the applicant filed the present application under section 60(5) of the Code read with rule 11 of the National Company Law Tribunal Rules, 2016 seeking discharge from his duties as Resolution Professional, due to the following reasons: -
 - i) That, the Applicant is suffering from PILONIDAL SINUS and is presently undergoing a medical treatment at Navjeevan Hospital and thus, filed the present application on medical grounds seeking discharge from his duties as RP.
 - ii) That, the Applicant pursuant to medical examination dated April 1, 2024, by Dr. Pradeep Jain, has been advised by his doctors to undergo a surgical process to cure PILONIDAL SINUS. Thereafter, the Applicant obtained a second opinion from Dr. Sandeep Gupta at Navjeevan Hospital on April 2, 2024 who also diagnosed pilonidal sinus. Hence, it is difficult for the Applicant to carry out the duties and adhere to the

timelines prescribed under the Code. True copy of the medical reports dated April 1, 2024, and April 2, 2024, have been attached and annexed herewith with the present Interlocutory application.

7. That, the aforesaid doctor overseeing the treatment of the Applicant has prescribed a complete 2-month bed rest post-surgery for proper recovery. Therefore, due to the above-mentioned circumstances and the medical exigencies, the Applicant will not be able to perform his duties as RP in a time bound manner.
8. It is averred that the applicant due to his medical conditions has filed the present application with a sincere and bona-fide intention to ensure that the IR Process of the Personal Guarantor is not jeopardized due to his health conditions and is carried out in a time manner in furtherance of objective of the Code.
9. That under these circumstances, it appears expedient to appoint another Resolution Professional of the Personal Guarantor to continue and complete the IR process. Therefore, this Adjudicating Authority appoints Ms. Rashmi Mintri [IBBI/IPA-001/IP-P00708/2017-2018/11185] having email – id ca.rashmimintri@gmail.com to act as Resolution professional.
10. Accordingly, the erstwhile RP namely Mr. Aashish Gupta is discharged of his duties and is further directed to hand over all the documents pertaining to the present case to the incumbent RP namely Ms. Rashmi Mintri to enable her to perform her duties as Resolution Professional.

11. The incumbent RP is directed to file her consent to take up the Resolution Professional assignment in this case. She is further directed to examine the credentials and file a report u/s 99 of IBC, 2016 within the time period stipulated under IBC. A copy of the Report by the resolution professional under Section 99 so filed shall be forthwith provided to the Personal Guarantor and Financial Creditors of the Petitioner.
12. The incumbent RP would be entitled to fees as per the applicable regulations.
13. List the matter on 10.06.2024 for perusal of report of the RP and further proceedings in the matter.
14. Registry is directed to intimate Ms. Rashmi Mintri on her email ID [ca.rashmimintri@gmail.com] regarding her appointment as Resolution Professional in IB-430/ND/2023.
15. I.A. No. 2250/ND/2024 in C.P.(IB) 430/ND/2023 is accordingly allowed.

-SD/-
(RAHUL BHATNAGAR)
MEMBER (TECHNICAL)

-SD/-
(MAHENDRA KHANDELWAL)
MEMBER (JUDICIAL)