

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V

Item No.-509

IB-2039/ND/2019

IA/4383/2021, New IA/198/2023, IA/6136/2022,
IA/238/2022, IA/4387/2021, IA/1039/2022, IA/2944/2022

IN THE MATTER OF:

Suraksha Asset Reconstruction Ltd.

....Applicant

Vs.

M/s Noida Medicare Centre Ltd.

.....Respondent

SECTION

U/s 7 IBC CIRP

Order delivered on 17.01.2023

CORAM:

**SHRI P.S.N PRASAD,
HON'BLE MEMBER (JUDICIAL)**

**DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Applicant : Mr. Chitranshul A Sinha, Mr. Jai Karan Bhatia,
Mr. Sagar Bansal, Ms. Tamanna Malik Adv
For the Respondent :
For the Dhanluxmi Bank : Moh. Azeem Adv, Adv Abhishek Anand,
Adv Nikhil Jain
For the Suspended Director: Mr. GP Madaan and Mrs. Harimohan
For the Erstwhile RP : Ms. Alisha K Shail

ORDER

In compliance to the order dated 20.12.2022, the Commissioner appointed in this matter has filed his report. This Tribunal is satisfied the manner in which the task assigned to the Commissioner is carried out. The Resolution Professional, Ms. Ritu Rastogi's name was proposed by one of the Financial Creditors and the same was put to voting and her name was accepted with 70 per cent of voting in her favour. Therefore, this Tribunal hereby appoints Ms. Ritu Rastogi as Resolution Professional in this matter. Her fee is also fixed by CoC which is stated to be in accordance with the fee prescribed by the IBBI. Counsel for Ex-management is also present and submitted that the

new Resolution Professional be directed to take the change of address as well as Email ID of the directors on record for further correspondences, if any. Counsel for Dhanlaxmi Bank and Counsel for Suraksha Asset Reconstruction Ltd. are also present. Counsel for Dhanlaxmi Bank has prayed for grant of time to file objections. This Tribunal does not find any merit in entertaining the objections at this stage of the matter as there is no enabling provision for hearing objections by the Member of CoC who has 30 per cent stake. Therefore, no opportunity was accorded to the Financial Creditor. The Erstwhile Resolution Professional namely Mr. Chandra Prakash is relieved from the duties of Resolution Professional and he is directed to handover the charge to the newly appointed Resolution Professional including all information, documents and records. This Tribunal expects the ex-management to extend with full-cooperation to the new RP.

In view of the above IA/6136/2022 and New IA/198/2023 **stands disposed of.**

The Members of CoC are directed to make the payment as per their respective stakeholding to the Commissioner within a week as per the invoices dated 04.01.2023 already raised by the Commissioner.

Counsel for the ex-management is also directed to communicate the change of address as well as Email ID to the new appointed RP. All other IAs to be listed on **08.02.2023.**

Sd/-

**(DR. BINOD KUMAR SINHA)
MEMBER (T)**

Sd/-

**(SHRI P.S.N PRASAD)
MEMBER (J)**