

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. (IB)/458(KB)2019  
IA(I.B.C)/2005(KB)2023,  
IA(I.B.C)/570(KB)2023

**CORAM: 1. HON'BLE MEMBER(J), SMT. BIDISHA BANERJEE  
2. HON'BLE MEMBER(T), SHRI D. ARVIND**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 22<sup>ND</sup> MARCH 2024, 10:30 A.M**

IN THE MATTER OF	RASPL INDUSTRIES PVT. LTD. VS HARIHAR INTERNATIONAL PVT. LTD
UNDER SECTION	IBC UNDER SEC 9

**Appearance (via video conferencing/physically)**

Ms. Shreya Choudhury, Adv. ] For the Liquidator  
Mr. Abhit Kumar Singh ] Liquidator-in-person  
  
Mr. Rachit Lakhmani, Adv. ] For the IRP  
Ms. Pooja Sah, Adv. ]  
Mr. S. Makkar, Adv. ]  
Mr. Piyush Kumar, Adv. ]

**ORDER**

1. Learned Counsel for the Liquidator present. Learned Counsel for the IRP present.
2. **IA(I.B.C)/2005(KB)2023:**
  - a. Despite repeated opportunities, none appears on behalf of the CGST and CX, Jamshedpur.
  - b. Therefore, we proceed to take up the application under Section 54 (1) of the Insolvency and Bankruptcy Code, 2016.
  - c. Since, CGST and CX, Jamshedpur has not responded to various communications on this, we give liberty to the Liquidator herein to file petition for dissolution.
  - d. Accordingly, IA(I.B.C)/2005(KB)2023 is disposed of.
3. **IA(I.B.C)/570(KB)2023:**
  - a. Learned Counsel appearing on behalf of the IRP submits that since inception, no fees have been paid to the Resolution Professional.

- b. The Resolution Professional has proposed Rs.1,50,000/- (Rupees One lakh and fifty thousand only) as monthly fees has not yet been approved by the COC members.
- c. However, the Resolution Professional is ready and willing to accept the payment of Rs.1,50,000/- (Rupees One lakh and fifty thousand only) per month as per Regulation 34B read with Schedule 2 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (CIRP Regulations).
- d. It is submitted that the Assistant Commissioner of CGST and CX, Division-V, Jamshedpur has a voting share of 94.68 per cent in the COC. However, on 22<sup>nd</sup> February, 2023 at the 7<sup>th</sup> meeting of the COC, the Respondent refused to contribute anything towards CIRP cost.
- e. Learned Counsel appearing on behalf of the Resolution Professional submits that the Resolution Professional is entitled to receive a sum of Rs.1,00,000/- (Rupees One lakh only) per month from 31<sup>st</sup> August, 2022 till 2<sup>nd</sup> August, 2023 of the date of liquidation. The following chart has been furnished along with the application contained in Annexure C (page 27) is extracted hereunder:

CIRP Cost as on 28.02.2023 (Harihar International Private Limited)		
Sl. No.	Particulars	Amount (Rs.)
1.	Postage and Courier	2,113.00
2.	Public Announcement (Form A)	13,500.00
3.	Travelling and Conveyance (Visit by IRP)	20,628.00
4.	Misc. Expenses (Filing of Form INC 28, NCLT Filing fee, Rubber Stamp, Notary, Printing, Xerox etc.)	32,400.00
5.	Charges incurred for conducting the COC meeting	3,300.00
6.	E-Voting 2 <sup>nd</sup> COC	5,900.00
7.	E-Voting 7 <sup>th</sup> COC	5,900.00
8.	Legal Cost of appearance	17,340.00
TOTAL		1,01,081.00
Professional fees of the IRP*		10,67,711.00
Total CIRP cost		11,68,792.00

IRP Fees\*

	From	Till	Period	Professional Fee	GST @ 18%	Amount (Rs.)
1.	31.08.2022	31.08.2022	1 day	4,839.00	872	5,711.00
2.	01.09.2022	30.09.2022	1 month	1,50,000.00	27,000.00	1,77,000.00
3.	01.10.2022	31.10.2022	1 month	1,50,000.00	27,000.00	1,77,000.00
4.	01.11.2022	30.11.2022	1 month	1,50,000.00	27,000.00	1,77,000.00
5.	01.12.2022	31.12.2022	1 month	1,50,000.00	27,000.00	1,77,000.00
6.	01.01.2023	31.01.2023	1 month	1,50,000.00	27,000.00	1,77,000.00
7.	01.02.2023	28.02.2023	1 month	1,50,000.00	27,000.00	1,77,000.00
Total Amount Professional Fee of IRP						10,67,711.00

- f. In view of such and in view of statutory mandate, the COC members are directed to contribute the CIRP cost and fees of the Resolution Professional.
- g. We direct the Assistant Commissioner of CGST and CX, Division-V, Jamshedpur to pay the entire sum towards CIRP cost as well as fees of the Resolution Professional i.e., Rs.1,00,000/- (Rupees One lakh only) per month from 31<sup>st</sup> August, 2022 till 2<sup>nd</sup> August, 2023 within a period of four weeks.
- h. In the event costs are not paid, appropriate contempt proceedings will be drawn against the said Authority.
- i. Accordingly, IA(I.B.C)/570(KB)2023 is disposed of.
4. List C.P. (IB)/458(KB)2019 for further Progress Report on **8<sup>th</sup> May, 2024**.

**D. Arvind**  
**Member (Technical)**

**Bidisha Banerjee**  
**Member (Judicial)**