

Vide prayer Clause 'b', it is prayed that one Mr. Avil Jerome Menezes be appointed as the Resolution Professional of the Corporate Debtor and in alternative, it is prayed that if Prayer Clause 'b' is not allowed any other fit person based out of Mumbai be appointed as Resolution Professional (RP).

It is worthy to note that by common order dated 28.11.2022 passed in **IA 2621/MB/2021, IA 1304/MB/2022 and IA 3537/MB/2022 in C.P. (IB) No.494/MB/C-I/2019**, having considering the facts involved in these Applications and on hearing the parties, erstwhile RP is directed to be removed forthwith.

During the course of hearing in these Applications, Ld. Counsel for Applicant in IA 2621 of 2021 submitted that any suitable person may be appointed as the RP. Similarly, no name of any RP was stated by the Applicants in IA 3537 of 2022 and Applicants in IA 1304 of 2022 gave name of one Mr. Avil Jerome Menezes to be appointed as RP. In that view of the matter, after pronouncing the order, further order was passed directing the Ld. Counsels for the Parties to mutually decide the name of RP and to submit the name on record by way of filing affidavit/Memo during the course of the day.

In compliance to this order, one Memo is filed and in the title of said Memo there is a reference of two IAs **i.e.** IA 3537 of 2022 and IA 2621 of 2021 in CP (IB) No.494/MB/C-I/2019, whereby it is reiterated that there is no consensus amongst the Financial Creditors on the name of RP and, accordingly, three names are thus suggested. Having considering the contents, as it is noted that

Application is jointly filed by the Applicants and since Para 3 thereof proceeds on the lines that **“we are suggesting three names”**. The Bench was of considered opinion that this is a joint Memo filed by Applicants in above numbered two IAs and accordingly, referred words like “applicants” and “Jointly” in its order and thus, on the face of record, we do not find anything to be rectified as prayed, however, during the course of hearing, Ld. Senior Counsel appearing for the Applicants in IA 3537 of 2022 who had filed the Memo stated that IA No.2621 of 2021 as mentioned in the said Memo be deleted. Having considering the submissions as aforesaid and having deleting I.A. No.2621 of 2021 from the Memo, it is thus, noted that applicants in IA 3537 of 2022 alone had mentioned names of three Resolution Professional to be appointed as the RP for Corporate Debtor in place of Sri Gopal Choudhary who came to be relieved by the order of this Court.

In view of Applicants in IA 3537 of 2022 deleting IA No.2621 of 2021 from the title of their Memo, we are inclined to allow prayer Clause ‘a’ to effect limited change in order dated 28.11.2022 thereby deleting word “Applicants” and “jointly” referred in Para 1 of Page 2 of said order. Rest of the order shall stand unaltered. As other **Prayers ‘b’ and ‘c’** are already considered while passing common order dated 28.11.2022 in all the three IAs, we find no reason to revisit the said issue. In that view of the matter, prayer **Clause ‘b’ and ‘c’** is **rejected**, Application is **disposed of** as **partly allowed** in above terms.

IA 3456/2022

Interim orders as stated to be in forced to be continued until further orders. List this matter on Board on **03.02.2023** for further consideration.

IA 123/2022 & IA 698/2022

On request made by Ld. Counsel for the Applicant, list this matters on Board on **12.01.2023**.

Sd/-

SHYAM BABU GAUTAM
Member (Technical)

Akash

Sd/-

JUSTICE P.N. DESHMUKH
Member (Judicial)