

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH
COURT – IV**

37.

**CA-33/2021, CA-98/2022
CA-189/2022, CA-160/2022
CA-340/2022, CA-309/2022
CA-1195/2020, CA-374/2021
CA-414/2021 In
CP/1300(MB)2020**

CORAM:

SHRI MANOJ KUMAR DUBEY
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **26.09.2022**

NAME OF THE PARTIES:

Kishore Kakumal Keswani

Vs.

Manohar Kakumal Keswani

SECTION: 241 (1), 242 (4) OF THE COMPANIES ACT, 2013. Rule 11 of NCLT.

ORDER

The Court is convened through Video Conference.

1. Mr. Prakhar Tandon i/b Adv. Agam H Maloo, Ld. Counsel for the Administrator present. Mr. Mukesh Verma Administrator present, in person. Ms. Prachi Wazalwar a/w Ms. Heena Vichare, Ld. Counsel for the Petitioner present. Mr. Ashutosh Kaushik i/b. M/s. Kaushik & Co. Ld. Counsel present. Mr. Nausher Kohli, Ld. Counsel for the Applicant in CA-189/22, CA-33/21, CA-340/22 present. Adv. Chandrakirti Zende a/w Mr. Ajay Ghorpade, Ld. Counsel for the Respondents present. Ms. Radhika Keswani, Ld. Counsel present.

2. **CA-98/2022** : The present CA filed by the Applicant under the Provisions of the Rule 11 of the NCLT Rules and other appropriate and application provisions of the Companies Act, 2013, for seeking recusal from the assignment of the Administrator from executing his duties.
3. **CA-189/2022** : The present CA filed by the Applicant for substituting the Administrator Mr. Mukesh Verma, with such other person.
4. Heard Ld. Counsel for both the parties. It is observed that, all the Counsel are agreed for this recusal and appointment of the new Administrator.
5. Counsel for the Applicant submits that the Applicant herein is the Administrator for Kailash Prabat Hotel Private Limited ("KPHPL") who was appointed of this Tribunal vide order dated 3rd September, 2021.
6. The Counsel for the Applicant requested for an appointment of a fit and proper person as Administrator in place of recused Administrator. The Applicant suggested the name of "Mr. Manohar Y Mankar, BSc LLB, Post held : (i) Retd. District and Sessions Judge, Special Judge for CBI, NDPS ACT, (ii) President District Consumer, Disputes Redressal Forum, Office address: 602/C Savla Chambers 40, Cawasji Patel Street Fort, Mumbai 400 001, Email ID : taptejman@gmail.com, Mobile number : 9867650212" to be an Administrator and has agreed his monthly professional fee to be paid by Applicant to Rs. 75,000/- plus out of pocket expenses.
7. Having considered the facts and circumstances and reasons explained in the Application, this Bench deems fit and proper to appoint "Mr. Manohar Y Mankar" as the Administrator in place of recused Administrator for acting

on the similar duties as to be taken over by him and continue the regular activities without any intrusion and smooth running of the Hotel.

8. The appointed Administrator is directed to submit its report once within three months. Hence, **CA-98/2022 & CA-189/2022** are **allowed** and **disposed** of.
9. List this matter for further consideration on **15.12.2022**.

Sd/-
MANOJ KUMAR DUBEY
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)