

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1**
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
22-05-2023 AT 10:30 AM

**IA (IBC) 385/2022 & IA(IBC) 903/2022 in IA (IBC) 385/2022 in
CP(IB) No. 261/9/HDB/2020**
u/s. 9 of IBC, 2016

IN THE MATTER OF:
Sun (Inox) Steels Pvt Ltd

...Operational Creditor

VS

Vivanta Laboratories Pvt Ltd

...Corporate Debtor

C O R A M:-

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

ORDER

IA No.903/2022

This is an Application filed by one of the members of the COC for a direction to the Applicant in IA No.385/2022 to implead the Operational Creditor and Corporate Debtor as respondents in IA No.385/2022.

IA No.385/2022 is an application filed by the RP seeking a direction against the petitioner herein, for payment of his professional fee and expenses. According to the petitioner herein the CIRP ordered against the corporate debtor M/s.Vivanta Laboratories Private limited, has been withdrawn on the basis of settlement between corporate debtor and the operational creditor without the intervention of the COC. It is further stated that, as per the terms of settlement, the corporate debtor had undertaken to pay the IRP/RP fee and expenses hence the operational creditor and corporate debtor are necessary and proper parties to IA No.385/2022.

However, without impleading them, RP filed IA No.385/2022 against the Applicant alone.

We have perused the record. We are satisfied with the reasons stated in the Application filed by the Applicant, that the proposed respondents namely Operational Creditor and Corporate Debtor are necessary and proper parties for IA No.385/2022.

We therefore, allow IA No.903/2022 and direct the petitioner in IA No.385/2022 to implead Operational Creditor and Corporate Debtor as respondents in IA 385/2022, by amending the petition within a week and to file the neat copy immediately within 3 days thereafter. The Petitioner in IA385/2022 shall then take notice to all the respondents by registered speed post and file proof of service well before the next hearing date in default this IA No.385/2022 stands dismissed. Let IA No.385/2022 be listed on 12.06.2023. Meanwhile counter if any by the newly impleaded respondents.

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)

