

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

CP (IB) No. 1237/KB/2018  
CA(IB)No.112/KB/2019  
CA(IB)No.150/KB/2019

Present: Hon'ble Member (J), Shri Jinan K.R.

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 6<sup>th</sup> FEBRUARY, 2019, 10:30 A.M.

Name of the Company	Beni Gopal Singhi -Vs- EMC Ltd.		
Under Section	9 IBC		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Jishnu Chowdhury, Adv. } Applicant Banker  
2. Souvik Mazumdar, Adv. }  
3. Asif Ali, Adv. Adv. }

S. M. Ghosh.  
06.02.2019.

1. Manju Bhutevia } for the Operational  
2. Anurag Jain } Creditor

Anurag Jain  
6/02/2019

1. Ms. Swapna Choubey, Adv. } for IRP  
2. Mr. Devashish Sharma, Adv. }

Sharma  
06/2/2019

P.T.O.

**4. CA(IB) Nos. 112 & 150/2019 in CP(IB) No. 1237/2018 -  
Beni Gopal Singhi -vs- EMC Ltd.**

**O R D E R**

Ld. Counsel for the CoC, operational creditor and the Ld. IRP is present.

**CA(IB) No. 112/KB/2019** is filed at the instance of COC u/s. 22(3)(b) of the I & B Code, 2016 for change of the Interim Resolution Professional (IRP).

Ld. Counsel appearing for the CoC submits that the CoC by 94.3% vote share did not agree for confirmation of the IRP as Resolution Professional (RP) and fixation of his remuneration as requested and thereby a deliberation has been took place among the members of the CoC and ultimately in the meeting held on 12/12/2018 one of the financial creditor/SBI proposed a name of new Resolution Professional. The proposal was approved by passing a resolution at a vote share of 82.12% of the CoC and proposed appointment of Mr. Kannan Tiruvengadam, Registration No. IBBI/IPA-001//IP-P00253/2017-18/10482 as Resolution Professional.

Upon hearing the Ld. Counsel appearing for the CoC, I find no reason to disapprove the proposed name suggested by the CoC replacing the IRP as his name has not been confirmed for appointment as the Resolution Professional. At this juncture Ld. Counsel appearing for the IRP has submitted that she may be given an opportunity to hear by giving her a copy of the application which has not been served on IRP. It appears to me that that as there is no adverse remarks as against the IRP is pleaded in the application, nothing to be heard from

the IRP and declined to hear the IRP, whose name has not been approved by my majority vote share. Accordingly, name suggested by the CoC is hereby approved.

CA (IB) No. 112/KB/2019 is disposed of accordingly.

CA(IB) No. 150/KB/2019 is filed for an early hearing of the C(IB) No. 112/KB/2019. The prayer become infructuous. It is dismissed as infructuous.

C.P. Is already seen listed on 10/04/2019, So directed to file further Progress Report on 10/04/2019.



(Jinan K.R.)  
Member (J)