

NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH

CA No.1124/2019

In

CP (IB) No.105/Chd/Hry/2019
(Admitted)

Under Section 22(3)(b) of the
Insolvency & Bankruptcy
Code, 2016

In the matter of:-

Mrs. Kussum Chadha Ahuja & Anr. ...Petitioner-Financial Creditor

Versus

C&C Towers LimitedRespondent-Corporate Debtor

And in the matter of:

CA No.1124/2019

Edelweiss Asset Reconstruction
Company Limited

...Present Applicant

Vs.

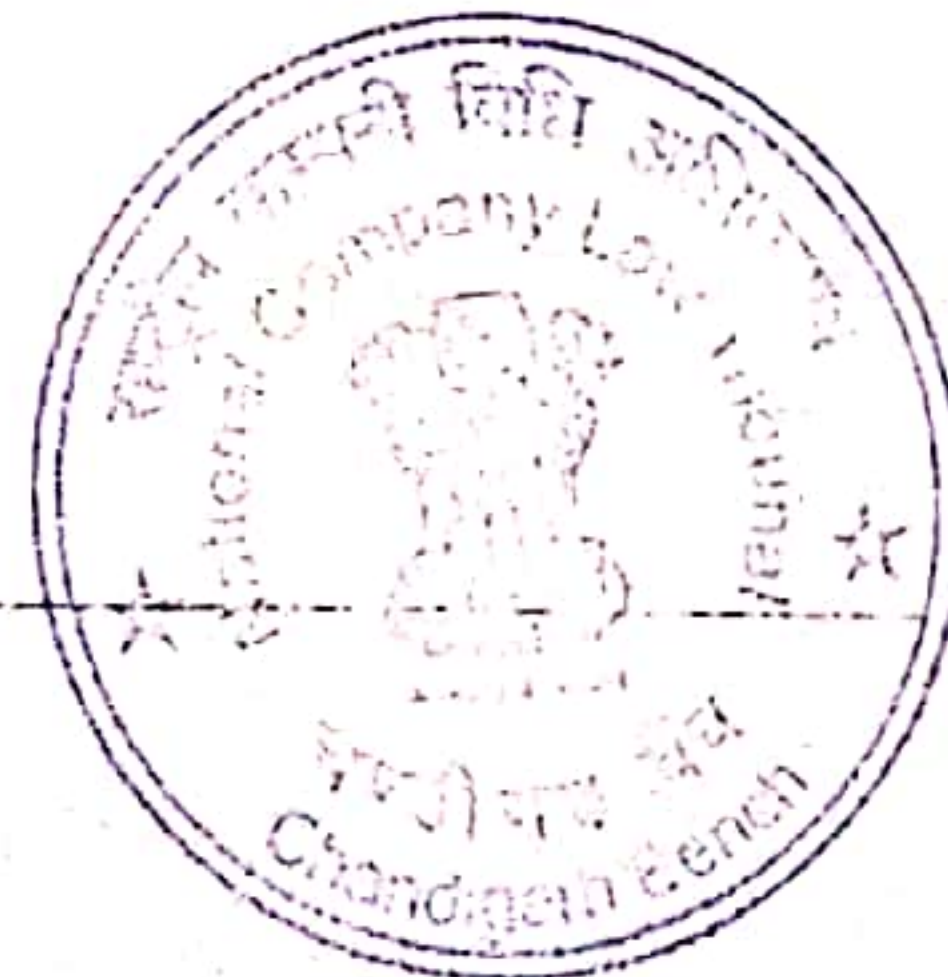
C&C Towers Limited & Anr.

....Respondents

Present: Mr. Vipul Joshi, Advocate for the applicant in CA No.1124/2019

CA No.1124/2019

This application has been filed by one of the members of the Committee of Creditors i.e. Edelweiss Asset Reconstruction Company Limited of the C&C Towers Limited, which is undergoing Corporate Insolvency Resolution Process. The application has been filed under Section 22(3)(b) of the Insolvency & Bankruptcy Code, 2016 seeking the appointment of Mr. Gaurav Khurana as Resolution Professional in place of Mr. Amit Gupta, Interim Resolution Professional.



2. It is stated that the CoC in its first meeting held on 07.11.2019 at Agenda Item No.10 resolved to appoint Mr. Gaurav Khurana as Resolution Professional with 100% voting share in favour of the appointment of Mr. Gaurav Khurana as Resolution Professional in place of Mr. Amit Gupta, Interim Resolution Professional.

3. The written consent in Form AA of Mr. Gaurav Khurana has been filed along with application as Annexure-4 (Colly) and certifying that no disciplinary proceedings was initiated against him by the Board or the Insolvency Professional Agency. The proposed Resolution Professional has furnished all the necessary particulars as required in Form AA prescribed in Regulation 3(1A) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. We have perused the Form AA and the same is in order. Mr. Gaurav Khurana, Resolution Professional is having registration No.IBBI/IPA-001/IP-P01282/2018-2019/12001.

5. We have heard the learned counsel for the applicant and perused the record quite carefully.

6. As per clause (b) of Section 22 (3) of the Code, if the application is filed before the Adjudicating Authority to replace the Interim Resolution Professional (IRP), the name of the Resolution Professional is to be forwarded to the IBBI in terms of sub-section (4) of Section 22 of the Code for confirmation. IBBI already has sent letter No.IBBI/NCLT/2017-18/17/160/200, dated 03.11.2017 to the effect that there is a database already prepared in respect of all the registered resolution professionals,

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which discloses as to whether any disciplinary proceeding is pending against an Insolvency Professional or not. So, in case, there is nothing against the person proposed, the Adjudicating Authority may appoint such person instead of seeking the confirmation from the IBBI. The Law Research Associate has taken the print out from the database of Insolvency and Bankruptcy of India and the present status in respect of Mr. Gaurav Khurana, IP is that there is nothing adverse against him on record.

7. In view of the foregoing facts, we allow the instant application and appoint Mr. Gaurav Khurana, Registration No.IBBI/IPA-001/IP-P01282/2018-2019/12001, R/o KPMG Restructuring Service LLP, Building No.10, Tower C 8th Floor, DLF Cyber City, Phase-II, Gurgaon, Haryana-122002, Mobile No.9810762081 E-mail: gauravkhurana@kpmg.com as the Resolution Professional by replacing Mr. Amit Gupta, the Interim Resolution Professional for continuing with the insolvency resolution process in respect of the corporate debtor. The Resolution Professional shall send his progress reports fortnightly to this Tribunal. It is directed that:

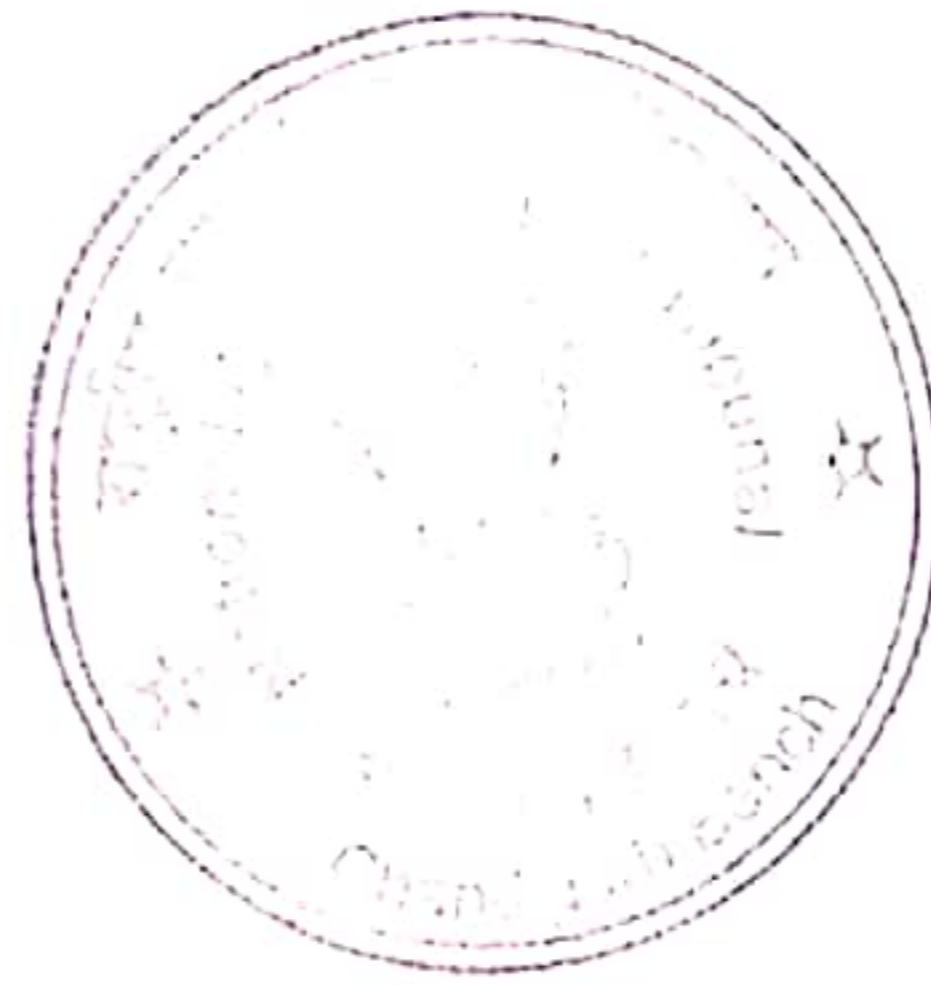
- i) Mr. Amit Gupta, the Interim Resolution Professional shall hand over the entire records and the assets of the company which have been taken over by him in the course of the corporate insolvency resolution process to the Resolution Professional forthwith; and
- ii) Mr. Gaurav Khurana, Resolution Professional shall take over the charge of the aforesaid records and the assets



and perform his duties as required under the Code and the Regulations.

Copy of this order be supplied to the learned counsel for the applicant and also the same be sent immediately at the e-mail address of the IRP and the Resolution Professional now appointed.

CA No.1124 of 2019 stands disposed of.



Sd/-
(Ajay Kumar Vatsavayi)
Member (Judicial)
Sd/-
(Pradeep R. Sethi)
Member (Technical)

Dec. 02, 2019
Anchal

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL

No SPL No. 321
Date of Presentation 14/08/2020
Number of Shares 4
Cost 20/-
Fees NIL
Total 20/-
Date of 18/08/2020
Date of 18/08/2020
Date of 18/08/2020

[Signature] 18/8/2020
DD/DIR/AN/COA/2020
National Company Law Tribunal
Chandigarh Bench, Chandigarh