

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 1115 of 2019

IN THE MATTER OF:

Committee of Creditors

...Appellant

Versus

**Mrs. Sonu Jain, Resolution Professional for
Marina Projects Pvt. Ltd. & Ors.**

...Respondents

Present:

**For Appellant : Mr. S.K. Bhattacharya, Mr. Debarpita Basu
 Mukherjee and Mr. Mangaljit Mukherjee, Advocates**

For Respondent : Mr. Vinod Kumar Chaurasia, Advocate

O R D E R

23.10.2019 This is an unfortunate Appeal filed by the ‘Committee of Creditors’ without appreciating the provisions of the ‘Insolvency and Bankruptcy Code, 2016’. With regard to the Fee of the ‘Resolution Professional’, the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata directed the ‘Committee of Creditors’ to pay the Fee to the ‘Resolution Professional’ @ Rupees One Lakh per month.

2. Learned counsel for Appellant submits that in the meeting of the ‘Committee of Creditors’ which held on 18th May, 2019 at ‘Item No. 1’ with regard to the determination of fee of ‘Interim Resolution Professional, the following decision was taken:

“ANY OTHER MATTER WITH THE PERMISSION OF CHAIRPERSON

ITEM NO. 1 : DETERMINATION OF FEES OF IRP

*The IRP in the meeting had laid down an issue
stating the fact that her fees should be taken into
consideration. She proposed her fees to be*

Rs. 1,00,000 per month. The Corporate Debtor with the consent of Operation Creditor had decided to bear the IRP fees.”

3. In view of Section 14 of the 'I&B Code' there being a provision of 'Recovery' and as no amount can be taken from the 'Corporate Debtor', we are of the view that even with the consent of the 'Operational Creditor', the 'Corporate Debtor' cannot bear the Fee of the 'Interim Resolution Professional'. The Adjudicating Authority had rightly directed the 'Committee of Creditors' to pay the Fees, which according to us, can be adjusted from the 'Insolvency Resolution Process' which includes the Fee of the 'Interim Resolution Professional'.

We find no merit in the Appeal, which is accordingly dismissed. No costs.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Venugopal M.]
Member (Judicial)

[Justice Jarat Kumar Jain]
Member (Judicial)

/ns/sk