

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 226 of 2019

IN THE MATTER OF:

Debashish Nanda

...Appellant

Versus

D.P. Garg & Co. Pvt. Ltd. & Ors.

...Respondents

Present:

**For Appellant : Mr. Prabhat Ranjan Raj and Mr. Jeewesh Prakash,
Advocates**

For Respondents : Mr. Ankur Goel, Advocate

O R D E R

23.04.2019 The 'Resolution Professional' has preferred this appeal against the order dated 22nd January, 2019, which reads as follows:

“Local Commission could not be executed on behalf of the obdurate attitude adopted by the RP. Vide order dated 10th January 2019, the RP was directed to release the applicant's goods lying in the premises of the Corporate Debtor. Since the property was to be identified by each of the 5 applicants, the local commissioner was appointed to ensure that no impediments were created. RP has been directed to ensure that the goods are released subject to the verification of the documents and identification by each applicant.

It is submitted that on account of RP being busy, the Commission cannot be executed. This explanation is unacceptable.

Ld. Counsel for the RP prays for one further opportunity. He is directed to ensure that local commission is executed and compliance be reported to this Bench by tomorrow, failing which there would be a penal consequence.

To come up on 23rd January, 2019.”

2. Having heard the learned counsel for the appellant and the counsel appearing on behalf of the respondent, we are not inclined to interfere with the impugned order.
3. We have noticed the submission made on behalf of the Appellant – ‘Resolution Professional’ that identified properties have been verified by the ‘Local Commissioner’ and the ‘Compliance Report’ has been submitted before the Adjudicating Authority. The Adjudicating Authority will go through the same and pass the appropriate order in accordance with law.
4. The appeal stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/gc