



NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 30

IA 2851/2024 (NEW IA) in C.P. (IB)/1053(MB)2017

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **04.06.2024**

NAME OF THE PARTIES: **AMAR REMEDIES LTD**

Section 60(5) & 10 of the Insolvency and Bankruptcy Code, 2016

ORDER

IA 2851/2024 (NEW IA) in C.P. (IB)/1053(MB)2017

- 1) Mr. Shadab S. Jan, Ld. Counsel for the Applicant is present.
- 2) The present Interlocutory Application has been filed by the Committee of Creditor of the Corporate Debtor through **Edelweiss Asset Reconstruction Company**, under Section 60(5) of the Insolvency and Bankruptcy Code, 2016, r/w Section 276 of the Companies Act, 2013 seeking replacement of the Liquidator of the Corporate Debtor.
- 3) Record reveals that this Bench, *vide* order dt. 16.06.2017, initiated Corporate Insolvency Resolution Process against the Corporate Debtor. Subsequently,



the Liquidation Order against the Corporate Debtor was passed *vide* an order of this Bench dt. 11.03.2024.

- 4) It is submitted that the Authorization for Assignment (AFA) of Respondent was valid and subsisting at the time of filing of the Liquidation Application. However, prior to his appointment, a Show Cause Notice was issued on 03.05.2023 by Insolvency and Bankruptcy Board of India seeking to initiate disciplinary proceedings in relation to Insolvency Resolution Process of the Corporate Debtor.
- 5) During the pendency of disciplinary proceedings and pursuant to issuance of the Show Cause Notice the AFA of Respondent stands suspended for the purpose of taking up fresh assignments. Accordingly, the Respondent herein has not been able to take any steps in the process of Liquidation including but not limited to Constitution of the Stakeholders Consultation Committee.
- 6) **In view of the above, the Applicant took the initiative of seeking replacement of the Respondent herein and consequently seeking appointment of M/s ARCK Resolution Professionals LLP to oversee and conduct the Liquidation Process through one of its Members/Insolvency Professionals.**
- 7) **Subsequently, by an email dated 07% May 2024, the Applicant has informed the respective members of the erstwhile Committee of Creditors as regards the assent accorded for replacement of Respondent and its intention to proceed with confirming the appointment of M/s**



ARCK Resolution Professionals LLP, an insolvency professional enrolled with Indian Institute of Insolvency Professionals of ICAI, acting through designated partner Mr. Anil Kohli as the Liquidator.

- 8) In absence of statutory mandate under the Insolvency & Bankruptcy Code, 2016 as well as under the said regulations providing for replacement of the Liquidator, the facts set out herein present a fit case for exercise of inherent powers by this Tribunal under Rule 11 of National Company Law Tribunal Rules, 2016. Accordingly, this Bench allows the present Interlocutory Application thereby appointing M/s ARCK Resolution Professionals LLP, an insolvency professional enrolled with Indian Institute of Insolvency Professionals of ICAI, acting through designated partner Mr. Anil Kohli as the liquidator of Amar Remedies Ltd. in place of Mr. Arun Goel.
- 9) Mr. Arun Goel, is hereby directed to handover all the records, papers, information, data, status report, etc., if any, available with him in the Physical or Electro format, to the newly appointed Liquidator of the Corporate Debtor forthwith, so that the Liquidator shall take effective control of Liquidator Process of the Corporate Debtor and shall take control of such other important information/documents that may impact Liquidation Process of the corporate debtor.
- 10) The newly appointed Liquidator shall clear the dues, if any, of erstwhile Liquidator, after seeking ratification in accordance with the provisions of the Code. After handing over to the satisfaction of Incoming



Liquidator, as stated above, the erstwhile Liquidator of the Corporate Debtor shall stand discharged from his duties under the Code in respect of this Corporate Debtor.

- 11) The Liquidator of the Corporate Debtor is directed to make his best and dedicated efforts to discharge his duties shall carry out his functions and shall complete the Liquidation Process within the time, and shall file and place on record periodical/quarterly Progress Report(s).
- 12) With the aforesaid observation and direction, the Interlocutory Application bearing IA No. 2851 of 2024, is allowed and disposed of.
- 13) There will, however, be no order as to costs. Ordered Accordingly.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)

Vedant Kedare

Sd/-

JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)