



**THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

Item 10

**IA No.1890/23 and 1740/2023
In**

**CP(IB) No. 132/Chd/Hry/2022
(Admitted)**

Under Section 7, & 22(3) IBC 2016

In the matter of:-

Capriso Finance Ltd.

...Petitioner/Financial Creditor

Vs.

Trishul Dream Homes Ltd.

...Respondent/Corporate Debtor

Present: Mr. G.S. Sarin, Advocate for the Homebuyers.
Mr. Harshit Anand, Advocate for the applicant in IA No.1890/2023.
Mr. Nahush Jain, proxy counsel for Ms. Pridhi Singla, Advocate for the ex-IRP.

IA No.1890/23 and 1740/2023

It is pointed by the learned proxy counsel for IRP that another application bearing IA No.1740/2023 is pending consideration for 05.09.2023 and the said application may be taken with the present application upon which it is stated by the learned counsel for the applicant in IA No.1890/2023 that said application is related to conduct the 2nd CoC meeting which has already been conducted on 05.08.2023 and voting has already been conducted on 08.08.2023. The said application is rendered infructuous. Moreover, it is stated by the learned counsel for the petitioner in the application that no adverse remarks has been made against the IRP. In these circumstances, the said application is preponed for today and Court Master is directed to put the same on the supplementary cause list. Keeping in view the statement made by the learned counsel for the applicant



in IA No.1890/2023, the said IA bearing IA No.1740/2023 is disposed of being infructuous.

IA No.1890/2023 has been filed by the Class of Creditors/Home buyers for replacement of IRP with RP under Section 22(3)(b) to appoint Mr. Jalesh Kumar Grover as RP replacing Mr. Ajay Kumar Aggarwal, IRP who was appointed vide order dated 16.01.2023. The CoC has passed the resolution in its 2nd CoC on 05.08.2023 and voting already held on 08.08.2023 to 11.08.2023 with voting shares of 89.63% Agenda Item No.A-19 page 80 under Resolution No.11 and result of electronic voting is at page No.85 resolution No.11. Though, it is pointed out by the learned counsel for the ex-IRP that present application has not been filed by the Authorized Representative upon which it is pointed out by learned counsel for the applicant in IA No.1890/2023 in para No.1 page 2 that the present application has been filed by one of the homebuyers duly authorized by other 172 homebuyers. It is so resolved by the CoC at page No.80V in resolution No.11 that class of creditors homebuyers shall make an application to the NCLT for appointment of Mr. Jalesh Kumar Grover as new RP thus in these circumstances the objection raised by the learned counsel for the IRP is dismissed. Mr. Jalesh Kumar Grover is appointed as Resolution Professional replacing Sh. Ajay Kumar Aggarwal, IRP. However, the RP is directed to get the fee and other expenses of IRP ratified by CoC in the next meeting. Hence, IA No.1890/2023 is allowed and disposed of accordingly.

Sd/-
(Subrata Kumar Dash)
Member (Technical)

August 18, 2023
PRF

Sd/-
(Harnam Singh Thakur)
Member (Judicial)