

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No.576 of 2024**

**IN THE MATTER OF:**

**Partha Sarathy Sarkar**

**...Appellant**

**Versus**

**Union of India & Ors.**

**...Respondent**

**Present:**

**For Appellant: Mr. Partha Sarkar, Appellant in person.**

**For Respondent: Mr. D. Verma, Ms. Neha Sharma, Advocates for R-1&2.**

**ORDER**  
**(Hybrid Mode)**

**06.05.2024:** Heard Shri Partha Sarathy Sarkar, Appellant appearing in person. This Appeal has been filed against the order dated 15.01.2024 passed by the Adjudicating Authority in I.A. No.463/JPR/2023.

2. The application I.A. No.436/JPR/2023 was filed by the Appellant who was Erstwhile Resolution Professional against the officials of the UTI to summon the attendance of R-3 and production of documents. The Appellant was replaced by another Resolution Professional and the New Resolution Professional submitted before the Adjudicating Authority that he does not want to further prosecute the application, I.A. No.463/JPR/2023 and the Adjudicating Authority disposed of the application as infructuous.

3. The Appellant who is Erstwhile Resolution Professional is now challenging the order submitting that the application which was filed by the

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Erstwhile Resolution Professional was required to be heard on merits and decision taken.

4. When the Appellant- the Erstwhile Resolution Professional was replaced with New Resolution Professional, who is now proceeding with the CIRP, the decision taken by him cannot be objected by the Erstwhile Resolution Professional, who is Appellant herein. We are of the view that at the instance of the Appellant no interference can be made with the impugned order by which application has been disposed of as infructuous.

5. Appellant further contended that the Adjudicating Authority ought to have looked into the facts of the application. We are of the view that when the Adjudicating Authority after noticing the statement of the New Resolution Professional has disposed of the application, it was not necessary to look into facts of the application. The submission made by the Appellant are without any substance.

6. Appeal is dismissed.

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Barun Mitra]**  
**Member (Technical)**

**[Arun Baroka]**  
**Member (Technical)**

*Archana/nn*