

NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH
COURT NO. 1

ITEM No.2
IA/380(MP)2026
in
CP(IB)/28(MP)2023

Proceedings under Section 60(5) r.w. 35(1) & Rule 11

IN THE MATTER OF:

Efficax Resolution Professionals Pvt Ltd Liquidator of Sun**Applicant**
Petpack Jabalpur Pvt Ltd

Coram:

Hon'ble Shri Brajendra Mani Tripathi, Member (J)
Hon'ble Shri Man Mohan Gupta Member (T)

PRESENT:

For the Applicant : Mr. Roshan Kumar Adv, (Online)

ORDER
Delivered on 29/06/2026

IA/380(MP)2026

1. The present Application has been filed by the Applicant under Section 60(5) read with Section 35(1) of the Insolvency and Bankruptcy Code, 2016 and Rule 11 of the NCLT Rules, 2016 with the following prayers: -
 - (i) Substitute M/s. Efficax Resolution Professionals Private Limited, Liquidator having IBBI Reg. No. IBBI/IPE-0153/IPA-3/2023-24/50063, as the Applicant in IA/280(MP)/2025 in place of the erstwhile Resolution Professional, Mr. Mangesh Kekre, with effect from the Liquidation Commencement Date i.e. 30.01.2026.
 - (ii) Direct that all further proceedings in IA/280(MP)/2025 shall be conducted with the Applicant/Liquidator as the Applicant therein.
2. Ld. Counsel for the Applicant submits that the CIRP of the Corporate Debtor was initiated on 04.04.2024, and Mr. Mangesh Kekre was appointed as the RP of the Corporate Debtor.
3. During the pendency of the CIRP, the *erstwhile* RP filed IA/280(MP)/2025 before this Tribunal under Sections 43 and 66 of the IBC, 2016 seeking appropriate reliefs in respect of preferential, undervalued, extortionate and

fraudulent transactions ("PUFE Application") of the Corporate Debtor. The said application is presently pending adjudication before this Tribunal.

4. He further submits that this Tribunal, *vide* order dated 30.01.2026 passed in CP(IB)/28(MP)2023, directed the liquidation of the Corporate Debtor and appointed the present Applicant as the Liquidator.
5. It is further submitted that, under Section 35(1) of the Code, the Liquidator is statutorily obligated to take into his custody and control all assets, properties and actionable claims of the Corporate Debtor. The PUFE Application, being an actionable claim and an asset of the Corporate Debtor's estate, is required to be pursued by the Liquidator in the interest of the creditors and other stakeholders of the Corporate Debtor.
6. In view of the aforesaid, it is prayed that the Applicant/Liquidator be substituted in place of the *erstwhile* Resolution Professional, Mr. Mangesh Kekre, as the Applicant in IA/280(MP)/2025, to enable him to effectively prosecute the said application before this Tribunal.
7. We have heard the submissions advanced by the Ld. Counsel for the Applicant and perused the material available on record. Upon due consideration of the submissions made, the documents placed on record, and the relevant provisions of the Insolvency and Bankruptcy Code, 2016, we are of the considered opinion that the present Application is deserves to be allowed.
8. Accordingly, the Applicant/Liquidator is permitted to be substituted in place of the *erstwhile* Resolution Professional in IA/280(MP)/2025. Ld. Counsel for the Applicant is directed to carry out the necessary amendments within one week and serve a copy of the amended application upon the Respondent.
9. In view of the foregoing, **IA/380(MP)/2026** is **allowed and disposed of** accordingly.

Sd/-

MAN MOHAN GUPTA
MEMBER (TECHNICAL)

Tomar

Sd/-

BRAJENDRA MANI TRIPATHI
MEMBER (JUDICIAL)