

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH – II, CHENNAI**

IA(IBC)/858/(CHE)/2022

In

CP/618/IB/2017

*(filed under Section 60 (5)(c) of the Insolvency & Bankruptcy Code, 2016 read with
Rule 11 of the NCLT Rules, 2016)*

MR. MADHU DESIKAN

Liquidator of M/s. Jain Granites & Projects Limited

¼, Vijay Laxmi Apartment,

Balasubramanium Street,

Mylapore, Chennai – 600 004

... Applicant

Order Pronounced on 12th July 2024

CORAM

SHRI JYOTI KUMAR TRIPATHI, MEMBER (JUDICIAL)

SHRI RAVICHANDRAN RAMASAMY, MEMBER (TECHNICAL)

Appearances:

*For Applicant : Mr. B. Ramana Kumar &
Mr. Harish Kumar, Advocates*

ORDER

1. Under Consideration is an application filed by Mr. Madhu Desikan, the Liquidator of M/s. Jain Granites & Projects Limited, seeking relief as follows,
 - a) *To allow the liquidator to disclaim the properties and trade receivables mentioned above as it is very onerous to proceed on the recovery.*
 - b) *Pass such other or orders as this Hon'ble Tribunal may deem fit.*
2. It is stated that the Corporate Debtor, M/s Jain Granites & Projects India Ltd., was ordered into liquidation vide order dated 01.11.2018 and appointed the applicant, Mr. Madhu Desikan as

liquidator of the Corporate Debtor vide M.A. No. 464 of 2018 in CP no 618/IB/CB/2017.

3. The Liquidator seeks relief to disclaim the following properties and trade receivables deemed onerous-
 - I. Land at Surat: The purported sale deed for the land was found to be fraudulent upon investigation. The document lacked authenticity, with discrepancies regarding ownership and registration details. Efforts to verify the deed through a Valuer and subsequent inquiries at the Sub-Registrar's Office in Surat confirmed its dubious nature. A complaint was filed with the Surat Police, which did not result in the filing of an FIR due to procedural hurdles. Considering the fraudulent nature and lack of recoverability, the Liquidator seeks to disclaim this property.
 - II. Receivables from M/s Patel Engineering Ltd: This arose from a dispute dating back to December 2014, before the initiation of Corporate Insolvency Resolution Process (CIRP). The dispute involved a significant refund demand from M/s Patel Engineering Ltd., resulting in legal proceedings and counterclaims. Despite attempts at reconciliation through a land offer, the situation remained unresolved. The Liquidator asserts the onerous nature of pursuing this claim further.
 - III. Foreign Receivables: Receivables from entities such as M/s Vakai Enterprises, Singapore, and M/S PGP Trading, Dubai, also present onerous challenges due to logistical complications, including auctioning of materials and lack of essential documentation post a fire accident. These factors render recovery impractical and justify their disclaimer.
4. The Liquidator has diligently pursued avenues for recovery, including valuation assessments and legal actions where feasible.

The inability to recover these assets has been substantiated through documented efforts and legal opinions where available. The Liquidator seeks relief from this Adjudicating Authority to disclaim these assets, acknowledging their onerous nature under the current circumstances.

5. Considering the submissions made by the Liquidator and the detailed factual background presented regarding the properties and trade receivables of the Corporate Debtor, this Adjudicating Authority finds merit in the instant application. The circumstances surrounding the identified assets indicate significant impediments to recovery, justifying their disclaimer under the provisions of the Code.
6. We therefore, allow the Applicant/Liquidator, to disclaim the properties and trade receivables as specified in the application.
7. Accordingly, *IA(IBC)/858(CHE)/2022* stands *Allowed*.

-Sd/-

RAVICHANDRAN RAMASAMY
MEMBER (TECHNICAL)

-Sd/-

JYOTI KUMAR TRIPATHI
MEMBER (JUDICIAL)

Mohanapriya