

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH-I, CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **04.07.2024** THROUGH VIDEO CONFERENCING

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

APPLICATION NUMBER :
PETITION NUMBER : IBA/1178/2019
NAME OF THE PETITIONER(S) : State Bank of India
NAME OF THE RESPONDENT(S) : Hackbridge Hewittic and Easun Ltd.
UNDER SECTION : Sec 7 Rule 4 of IBC, 2016

ORDER

Present: Shri. Pranava Charan, Ld. Counsel for the Petitioner.
Shri. Aman Srivatsava, Ld. Counsel for the Corporate Guarantor.

Heard.

In the present case, the Principal borrower is already under liquidation. The petition earlier was dismissed on the point of limitation. The Petitioner went in appeal and the matter was remanded to this Tribunal.

The Respondent/Appellant filed the supplementary counter which was declined to be accepted by this Tribunal vide order dated 24.07.2023. Against that order, the Appellant/Respondent went in appeal and the Hon'ble NCLAT vide order dated 05.06.2024 held that the veracity and contents of the respective counter affidavits and supplementary affidavit filed by the Appellant is not to be gone into on merit by the Tribunal with regards to its admissibility. The parties should not be restrained to exchange their pleadings according to their choice. The order was accordingly quashed and the Appellant was granted leave to file

supplementary counter affidavit with directions to the Tribunal to consider both the counters on merits.

In view of the above order, the supplementary counter affidavit be also taken on record.

List the petition for hearing on **29.07.2024**.

Sd/-
VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

Sd/-
SANJIV JAIN
MEMBER (JUDICIAL)

vs