

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

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **19.07.2024** THROUGH PHYSICAL HEARING

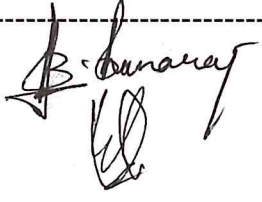


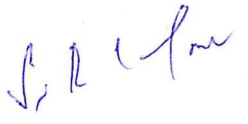
**PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)**

IN THE MATTER OF : Canara Bank
Vs
Easun Reyrolle Ltd.

MAIN PETITION NUMBER : IBA/1045 & 1169/2019

(IA/MA) APPLICATION NUMBERS

New Application IA(IBC)/1544(CHE)/2024, New Application IA(IBC)/1545(CHE)/2024,
IA/261/(CHE)/2024, IA(IBC)/1272(CHE)/2024, IA(IBC)/341(CHE)2024, IA/2187(CHE)/2023,
IA/379(CHE)/2023, IA/1609(CHE)/2022, IA/149(CHE)/2021, IA/203/CHE/2021,
IA/273/CHE/2021, IA/2228(CHE)/2023

S.NO.	NAME (IN CAPITAL)	DESIGNATION REPRESENTATION BY WHOM	SIGNATURE
	B. Dhanaraj Mohammed Umarik	Counsel for Re Applicant / liquidator	
	M. S. Viswanathan	Comptroller for EPP	
	For Deptt IA-149/21 & 203/21	P. K. Perumal Sharma for Deptt Sellers	 19-7-24
	S. R. Simola & IA/379/2023 & Kasthuri Ranganath IA/2228/2023	Counsel For Applicant	





1. IBA/1045 & 1169/2019

COMMON ORDER

New Application IA(IBC)/1544(CHE)/2024

New Application IA(IBC)/1545(CHE)/2024

IA/149(CHE)/2021

IA/203/CHE/2021

Present: Shri. B. Dhanaraj, Ld. Counsel for the Applicant/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.

Shri. M.S. Viswanathan, Ld, Counsel for the Respondent/EPFO.

Heard.

These applications have been filed seeking permission to amend the cause title and name, designation etc. in IA/149/CHE/2021 and IA/203/2021 by replacing CA. Mahalingam Suresh Kumar., Liquidator of the Corporate Debtor in place of Mr. N. Parameshwara Udpa, the RP of the Corporate Debtor.

It is stated that these applications were filed by the RP. During the pendency of the applications, this Tribunal passed an order of liquidation dated 17.02.2022 and appointed the Applicant as the Liquidator. It is stated that the Applicant wants to proceed with the applications.

Ld. Counsel for the Respondents submits that these applications have been filed after two years. No plausible reasons have been given for filing the applications so belatedly.

Having considered the facts in totality and that liquidation process has not been completed and that these applications were filed prior to the liquidation and now by the order of this Tribunal dated 17.02.2022, the Applicant/Liquidator has taken the charge, we allow the applications.

Amended memo of parties be filed and copy be served on the counsels for the Respondents.

Both IA(IBC)/1544(CHE)/2024 & IA(IBC)/1545(CHE)/2024 are accordingly disposed of.

List IA/149(CHE)/2021 & IA/203/CHE/2021 for hearing on 03.09.2024.

IA/261/(CHE)/2024

Present: Shri. Pranav G., Ld. Counsel for the Applicant.
Shri. B. Dhanaraj, Ld. Counsel for R1/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.
Shri. Pradeep Kumar, Ld. Counsel for R2.

Reply/counter already filed by the Respondents.

Ld. Counsel for the Applicant submits that rejoinder to the counter filed by R1 has already been filed. Yesterday rejoinder to the counter filed by R2 is e-filed, however, hard copy is yet to be filed. Be filed within a week's time.

Interim order to continue till then.

IA(IBC)/1272(CHE)/2024

Present: Shri. B. Dhanaraj, Ld. Counsel for the Applicant/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.

Vide order dated 01.07.2024, Registry was directed to correct the IBA Number, however, no compliance has been made.

List this IA in IBA/624/2019 on **06.08.2024**.

Copy of this order be placed in the process sheet of IBA/624/2019.

IA(IBC)/341(CHE)2024

Present: Shri. M.S. Viswanathan, Ld. Counsel for the Applicant/EPFO.

Shri. B. Dhanaraj, Ld. Counsel for the Respondent/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.

Ld. Counsel for the Applicant has referred judgment in the case of “*Anuj Vajpayee v. EPFO*” dated 10.07.2024 to submit that dues under 7Q & 14B of the PF Act are also governed by Section 36(4) of IBC, 2016.

Ld. Counsel for the Respondent refers the judgment of Hon'ble NCLAT dated 06.02.2023 in the case of “*DBS Bank India Limited v. Kuldeep Varma*” (Para 17 & 18).

Arguments heard.

IA/2187(CHE)/2023

Present: None for the Applicant.

Shri. B. Dhanaraj, Ld. Counsel for the Respondent/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.

Perused. This application has been filed to direct the Respondent/Liquidator to accept the bid of the Applicant and sell the property (Lot No.1) to the Applicant at the bid amount of Rs.25.71 Crores.

Ld. Counsel for the Respondent/Liquidator submits that since the sale has taken place, the application has become infructuous.

Ld. Counsel also submits that EMD has been returned.

Despite repeated calls and case awaited, none for the Applicant is present.

Application is **dismissed in default and for non-prosecution.**

IA/379(CHE)/2023
IA/2228(CHE)/2023

Present: Shri. S.R. Sundar, Ld. Counsel for the Applicant/Deputy Commissioner of GST along with Ld. Counsel Shri. Kasthuri Rangan.

Shri. B. Dhanaraj, Ld. Counsel for the Respondent/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.

Ld. Counsel for the Respondent has referred to a letter/mail dated 06.01.2024 having reference to the admission of the claim filed by the Applicant.

Both the applications are only to the effect of admission of the claims filed by the Applicant before the Liquidator.

On a perusal of the same, we find that the claims as filed by the Applicant have been admitted in full.

Now, the Counsel for the Applicant disputes as to the classification of the claims which is not the prayer in both the applications.

Ld. Counsel for the Applicant seeks and is granted time to take instructions.

IA/1609(CHE)/2022
IA/273/CHE/2021

Present: Shri. B. Dhanaraj, Ld. Counsel for the Applicant/Liquidator along with Ld. Counsel Shri. Mohammed Umar. K.

Shri. Pranav G., Ld. Counsel for the Respondent.

IA/273/CHE/2021 has been filed seeking various reliefs including relief at para-VII (c) which is reproduced as under:

(c) *Direct Respondent No.1 to sign the Audited Standalone and Consolidated Financials of the Corporate Debtor as on 31.03.2020, along with the Applicant/RP.*

Ld. Counsel has referred to an order of this tribunal dated 08.07.2021 on the above application whereby the Respondents have been directed to extend all assistance and co-operation as reliefs sought by the RP above for the smooth functioning of the CIR Process.

Pleadings are complete.

List 1609/CHE/2022 with the IA/273/CHE/2021 for final hearing as pleadings in the application are also complete.

Arguments on IA(IBC)341(CHE)/2024 concluded.

List all the applications on **03.09.2024 (Physical Hearing)**.

Sd/-
VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

Sd/-
SANJIV JAIN
MEMBER (JUDICIAL)

vs