

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

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **06.05.2024** THROUGH VIDEO CONFERENCING

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

IN THE MATTER OF : City Union Bank Ltd.
Vs
DSRM Steels Pvt. Ltd.

MAIN PETITION NUMBER :CP/1114/IB/2018

(IA/MA) APPLICATION NUMBERS

IA(DIS)/7(CHE)2024, IA/910(CHE)/2024, IA/1606(CHE)/2022

COMMON ORDER

IA(DIS)/7(CHE)2024

Present: Shri. S. Sathiyarayanan, Ld. Counsel for the Applicant/Liquidator.

Arguments heard.

Order Reserved.

IA/910(CHE)/2024

IA/1606(CHE)/2022

Present: Shri.B. Vijay, Additional Govt. Pleader for the Applicant.

Shri.S. Sathiyarayanan, Ld. Counsel for the
Respondent/Liquidator.

Shri. Raj Jhabakh, Ld. Counsel for the Applicant in
IA/1606(CHE)/2022.

The application IA/910(CHE)/2022 is for condonation of delay of 303 days in filing the application challenging the rejection of the claim by the Respondent on 21.03.2023.

Application IA/1606(CHE)/2022 has been filed by the Income-Tax department for setting aside the letter dated 21.11.2022 rejecting the claim of the Applicant and also for condonation of delay in filing the application.

Ld. Counsel for the Liquidator submits that the application of the Liquidator for dissolution is pending disposal. The sole Secured Financial Creditor i.e. City Union Bank Limited realized an amount of Rs.13,30,10,000/- under Section 52(1)(b) of the IBC, 2016 and adjusted against the debts. No surplus is left. Even the CIRP and the liquidation cost was paid by the sole Financial Creditor.

As per section 53 of IBC, sole Financial Creditor shall have priority over the claims including that of the Applicants in both the applications. The claim has already been rejected by the Liquidator. Nothing is left in the corpus of the Liquidator.

Even if the applications as filed by the Applicants are allowed, the Applicants will not be entitled to any amount out of the liquidation estate.

Considering the above facts, both the applications are **dismissed**.

Sd/-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

Sd/-

SANJIV JAIN
MEMBER (JUDICIAL)

vs