

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT – II
CHENNAI**

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL
COMPANY LAW TRIBUNAL, CHENNAI BENCH, HELD ON 01-07-2024 AT
10.30 A.M. THROUGH VIDEO CONFERENCING:**

**PRESENT : SHRI. JYOTI KUMAR TRIPATHI, HON'BLE MEMBER (JUDICIAL)
SHRI. RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)**

APPLICATION NUMBER : **IA(IBC)/1464(CHE)/2024 In
IA(IBC)/392(CHE)/2023**

PETITION NUMBER : **CP(IB)/114(CHE)/2021**

NAME OF THE APPLICANT : **N Veerapandian (Liquidator) of
M/s.Sical Iron Ore Terminals Ltd**

NAME OF THE RESPONDENT(S) : **--**

UNDER SECTION : **Sec 60(5)(C) of IBC, 2016 r/w Rule 44(2)
And 47A of NCLT Rules, 2016**

ORDER

Ld. Counsel Mr.Akhil Bhansli for the Liquidator. Ld. Liquidator Mr.N.Veerapandian is present in person.

This is an Application seeking extension of Liquidation period by one year from 22.06.2024. The reasons for extension are given at para 7 which is reproduced below:

7. Therefore, the exclusion of 365 days from the Liquidation Process Period and further extension of 365 days is required from June 22, 2024 for is essential for the Liquidator due to the following reasons:

- a) The legal proceedings involving Kamarajar Port Limited, the PUFEE Transaction Applications, and other operational creditors' claims are integral to determining the rightful claims of the Corporate Debtor. The exclusion and extension is necessary to ensure a fair and just resolution

for all stakeholders, allowing the Liquidator adequate time to address and resolve these legal matters thoroughly.

- b) The exclusion and extension period is crucial for maximizing the recovery of assets, particularly the substantial recovery from Kamarajar Port Limited. The delay in receiving the Final Compensation from Kamarajar Port Limited has directly impacted the availability of funds for distribution among creditors. By granting the exclusion, the Applicant will have sufficient time to pursue the legal recourse required to compel Kamarajar Port Limited to fulfil its financial obligations, thereby increasing the total assets available for liquidation.
- c) Without the exclusion and extension, the Liquidation Process cannot be effectively concluded. The exclusion is crucial as it allows the Liquidator to thoroughly identify and secure all recoverable assets, ensuring they are appropriately distributed among stakeholders. This step is vital to safeguarding the financial interests of all parties involved, including creditors, employees, and other stakeholders who depend on a fair resolution.
- d) The extension is equally important. It grants the Liquidator the necessary time to pursue all legal actions required to obtain the compensation from Kamarajar Port Limited, as stipulated in the License Agreement. The legal proceedings to claim this compensation are complex and time consuming, involving multiple layers of negotiation and potential litigation. Without sufficient time, the Liquidator would be unable to exhaust all legal remedies, which could result in a significant financial loss for the stakeholders.
- e) Until the compensation from Kamarajar Port Limited is secured, the Liquidator must continue legal actions to ensure that the financial

obligations of SIOTL are met. The additional 365 days are indispensable for this process, providing a realistic timeframe to pursue and hopefully resolve the compensation claims effectively. This extension is not merely a procedural formality but a critical component to achieving a fair and comprehensive resolution for all parties involved.

- f) Therefore, granting the exclusion and extension is essential to ensure that the liquidation process is conducted thoroughly and justly, safeguarding the interests of all stakeholders and fulfilling the Liquidator's duties in accordance with the legal and contractual obligations.

The Applicant also sought exclusion of 365 days from the Liquidation process period in view of legal proceedings pending before Hon'ble High Court of Madras in W.P.No.15417 of 2023 which was disposed off on 08.04.2024. Further proceedings are being taken up by the Liquidator.

In view of the above, extension of 365 days with effect from 22.06.2024 as well as exclusion of 365 days is allowed.

IA(IBC)/1464(CHE)/2024 is disposed off.

Sd/-

RAVICHANDRAN RAMASAMY
Member (Technical)

Sd/-

JYOTI KUMAR TRIPATHI
Member (Judicial)

phk