

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOCHI BENCH**

IA(IBC)/376/KOB/2023

IN

IA(IBC)/97/KOB/2023

IN

CP(IB)/45/KOB/2021

*(Under Section 60(5) & 66 of the IBC, 2016 read with
Rule 11 of the NCLT Rules, 2016)*

In the matter of:

M/s. Savute Textiles Private Limited.

Memo of Parties:

Mr. Nazeeb Peediyakkal Abdul Saleem
Director (Resigned), Peediyakkal House,
Peediyakkal Road, Kochi 682 018. Email:
nazeebpa@gmail.com.

... Applicant.

-Versus-

1. Mr. K. Easwara Pillai, 6th Floor, Amrita
Trade Towers, S A Road, Pallimukku, Kochi
682 016.
keaswaran@aaainsolvency.com.

2. Mr. Venesan Gopinathan, Managing
Director (Power suspended) - M/s Savute
Textiles (P) Ltd, Vaninilayam, PRA 68, Friends
Nagar, Palachuvadu, Kakkanad, Ernakulam,
Kerala- 682 038. Email: vinesan@gmail.com.

3. Mr. Stephan Logan, Director (Power
suspended) of M/s Savute Textiles (P) Ltd 5,
Wynfort Lodge, Moira, Crajgavon BT 67 OQT,
London. Email: Stephen-logan@icloud.com.

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In re: M/s. Savute Textiles Private Limited.

4. M/s. HST Exports (P) Limited, previously known as Savute Textiles and Clothing Exports Pvt Ltd) SEZ, 1G3 Infra Ltd., Vadamugham, Kangeyam, Palayam, Uthukuly Taluk, Tirupur Dt., Tamil Nadu- 638 751. Email: vinesan@gmail.com.

5. Mr. Satheesh Gopalakrishna Pillai- Share Holder 73-74, Swaroop Park, Near Gandhi Bhavan, Kothrud Pune, Maharashtra- 411 029. Email: satishgpillai@hotmail.com.

6. Mr. Nirav Prakash Mehta- Share Holder Flat No. 16, Akash, Plot No. 8, 90 Feet Road, Ghatkopar, East Mumbai, Maharashtra- 400 077. Email: satishgpillai@hotmail.com.

7. Mr. Syam Satish- Share Holder, 73-74, Swaroop Park, Near Gandhi Bhavan, Kothrud Pune, Maharashtra- 411 029. Email: satishgpillai@hotmail.com.

8. Mr. Venky Nayar- Share Holder, Lake View-3, Fine Arts Avenue, Kochi, Kerala 682 016. Email: satishgpillai@hotmail.com.

9. Mr. Arumugham- Share Holder, #523, DE. Road, R. S. Puram, Coimbatore, Tamil Nadu- 641 002. Email: vinesan@gmail.com.

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10. M/s. Global Latitude Limited, First Floor, 2 Woodberry Grove ODR England to Office 9, Dalton House 60 Windsor Avenue London SW19 London N 12 OD. Email: Stephen-logan@icloud.com.

11.M/s. Silent Valley Trading- Mr. Vinayan (Proprietor), SEZ, 1G3 Infra Ltd., Vadamugham, Kangeyam, Palayam, Uthukuly Taluk, Tirupur District., Tamil Nadu 638 751. Email: vinesan@gmail.com.

12. American Blue Textiles - Vani Vinesan (Proprietrix), PRA 68 Vaninilayam, Friends Nagar, Palachuvadu, Kakkanad, Ernakulam, Kerala- 682 038. Email: vinesan@gmail.com.

13.Mr. C A Nithin. S, Partner of M/s. Sivadas C. and Company, Chartered Accountants, Door No. 23/513-4, 2nd Floor, A & P Arcade, Lt. Col Niranjana Road, Stadium Bye Pass, Palakkad, Kerala- 678 013. Email: admin@chettoorca.com.

... Respondents.

Order delivered on: 25.04.2024

Coram:

Hon'ble Member (Technical)

Shyam Babu Gautam

Hon'ble Member (Judicial)

TMT. Justice (Retd.) T. Krishna Valli

Appearances:

For the Applicant : Mrs. Liza Meghan, Adv.

For the Respondent No. 1 : Mr. Akhil Suresh, Adv.,

For the Respondent Nos. 2 to 13 : None appeared.

ORDER

Per: Coram

1. The present application is filed Mr. Nazeeb Peediyakkal Abdul Salim, who is arrayed as Respondent No. 3 in IA(IBC)/97/KOB/2023 under Section 60(5) & 66 of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 for the following relief:

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- Delete and strike off the name of Respondent No. 3 from the array of parties in IA(IBC)/97/KOB/2022 in CP(IB)/45/KOB/2021 as being neither a necessary nor proper party.

2. The Brief facts of the case are as follows: -

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3. The Applicant stated that he was appointed as an Additional Director of the Corporate Debtor on 26.03.2015. The applicant was appointed as the Additional Director by the Corporate Debtor for a period of one year. It is further stated that the Applicant did not get the opportunity to participate the affairs of the Corporate Debtor. Therefore, he sent resignation letter to the Respondent Nos. 2 and 3, directors of the Corporate Debtor through e-mail dated 10.11.2021 and speed- post on 09.11.2021. Subsequently the Form DIR-11 filed by the Applicant before ROC and receipt issued by the Ministry of Corporate Affairs on 16.03.2022. It is stated that the Applicant is not liable for the acts of the Respondent Nos. 2,3,4,10,11,12 and 13.

FINDINGS: -

4. We have heard the learned counsel for both parties and perused the entire case records/documents. We have also gone through the shreds of evidence on record. To arrive at a definitive conclusion, with regard to this matter, we have gone through the records of IA(IBC)/97/KOB/2023, that the name of Applicant is not mentioned anywhere or no allegations are levelled against him. We have also gone through the resignation letters sent by the Applicant to the Respondent Nos. 2 and 3. It is also found that there

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is no relief against the Applicant has been sought in IA(IBC)/97/KOB/2023.

5. In the aforesaid circumstance this Bench allows the deletion of the name of the Applicant from the array of parties shown as Respondent in IA(IBC)/97/KOB/2023.
6. With the above direction this **IA(IBC)/376/KOB/2023 is allowed** and disposed of.
7. The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel.
8. An urgent certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.
9. File be consigned to records.

SHYAM BABU GAUTAM
(MEMBER TECHNICAL)

T KRISHNA VALLI
(MEMBER JUDICIAL)

Signed on this the 25th day of April, 2024.

Rajasree R. Nair/LRA