IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT– I) CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **21.03.2024** THROUGH VIDEO CONFERENCING

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

IN THE MATTER OF **:** State Bank of India
Vs
Liquidator of M/s Veesons Energy Systems Pvt Ltd

MAIN PETITION NUMBER **:** CP/510/IB/2017

(IA/MA) APPLICATION NUMBERS
IA(IBC)/582(CHE)2024

ORDER

Present: Ld. Counsel Shri. K Chandrasekaran for the Applicant.
Ld. Counsel Ms. Deepa Mariappan for the Respondent / Liquidator, who is also present in person.

This application has been filed seeking the following reliefs.

a) *Direct the Liquidator to distribute the sale proceeds to tune of Rs. 14,35,00,000/- (Rupees Fourteen Crores Thirty Five Lakhs) into the account of the Applicant "State Bank of India" as the Exclusive Charge Holder of the E-Auctioned Property as per Section 53(1)(b) of Insolvency and Bankruptcy Code, 2016.*

b) *Pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.*

Ld. Counsel has referred the mail which was sent by the Liquidator to the Applicant at Page 149 to 151 which is reproduced as under.

a. We fully agree with your views that the Property sold by E Auction, i.e., 13.64 Acres of land of the CD M/s. Veesons Energy Systems P Ltd., located at

Plot No. R1, Thuvakkudi Industrial Estate, Trichy is exclusively charged to your bank.

b. We also have to state that in the 2nd meeting of the of the Secured Creditors Committee of the CD held on 17.11.2018, "The Liquidator stated that in view of the above, the First charge holder, will get their due priority as per the Inter - creditor / subordination agreements. The members present agreed to the above."

c. In line with the above stand taken by the Stakeholders' committee, the Liquidator made partial distribution of Rs. 5,50,00,000/- to SBI by cheque No. 508471

d. However, objecting to the above distribution, IDBI Bank filed an application IA in MA/953/2019 on 02.03.2021

e. IDBI stated that except IDBI all other Stakeholders are getting partial settlement. Further IDBI stated that the Liquidator has not distributed in accordance with Sec. 53 of the IBC and has violated the Code. Hence they do not approve any disbursement made so far and also stated that till the disposal of the cases in NCLT, the Liquidator should not distribute any proceeds

f. In view of the above, now for all the sales effected, after14.11.2021, the sale proceeds are maintained in a separate FD account, till the disposal of the above case of IDBI against the Liquidator without distributing the same on sale.

g. Now that you have raised your demand for the distribution of the sale proceeds and there being a pending case No. MA/953/2019, our advocate has advised us to obtain a direction from the Hon'ble AA and thereafter remit the Sale proceeds. Hence we request you to kindly bear with us till such time.

h. We have requested our Advocate Mr. B. Dhanaraj, to prepare an application to the Hon'ble NCLT. Once the application is prepared and filed the same shall be shared with you for your information. We will be seeking an interim relief to permit us to remit the entire sale proceeds of Rs. 14.35 Crores

to SBI, on the basis of an indemnity to be furnished by SBI, to the effect that in case the

verdict in MA/953/2019 is against the above distribution, the same shall be refunded by the SBI.

We do hope that the above reply meets with your requirement and we request you to kindly bear with us till we are able to obtain a direction for payment from the Hon'ble NCLT.

This email is copy marked to our Advocates Mr. B. Dhanaraj and his team for information and necessary follow up action for preparing an application to the Hon'ble NCLT seeking the direction as stated above.

Ld. Counsel for the Respondent submits that MA/953/2019 is coming up for hearing on 02.04.2024.

List this application along with MA/953/2019 for hearing on **02.04.2024**.

Sd/- **Sd/-**

(VENKATARAMAN SUBRAMANIAM) **(SANJIV JAIN)**
MEMBER (TECHNICAL) MEMBER (JUDICIAL)

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