

**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 04-06-2024 AT
10.30 A.M. THROUGH VIDEO CONFERENCING:**

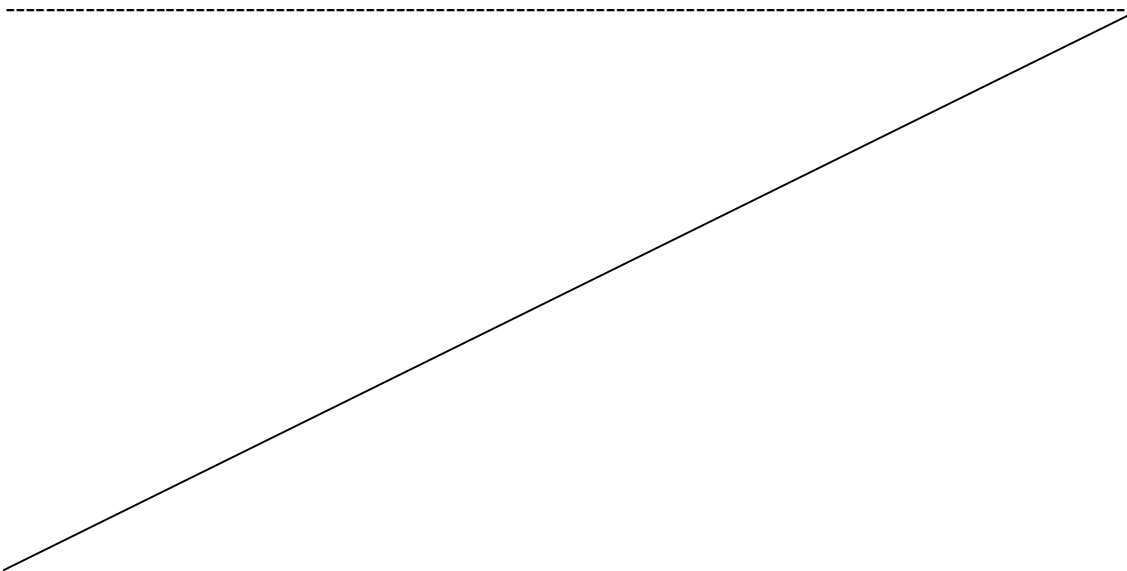
**PRESENT : SHRI. JYOTI KUMAR TRIPATHI, HON'BLE MEMBER (JUDICIAL)
SHRI. RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)**

IN THE MATTER OF : M/s Regen Powertech Pvt Ltd

PETITION NUMBER : IBA/1099/2019

APPLICATION NUMBER:

- a) IA/IBC/2329/2023
- b) IA/IBC/1703/2023
- c) IA/590(CHE)2021
- d) IA(IBC)/55/CHE/2022
- e) IA(IBC)/162/CHE/2022
- f) IA/918/IB/2020
- g) IA/970/IB/2020
- h) IA/987/IB/2020
- i) IA/969/IB/2020
- j) IA(IBC)/1249/CHE/2021
- k) CONT.P(IBC)/4(CHE)/2023
in IA/452/2020
- l) IA/IBC/2221/2023
- m) IA/IBC/2211/2023 in MA/40/2020
- n) IA/IBC/2213/2023



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ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL, CHENNAI BENCH, HELD ON 04-06-2024 AT 10.30 A.M. THROUGH VIDEO CONFERENCING:

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

IN THE MATTER OF : Regen Infrastructure and Services Pvt Ltd

PETITION NUMBER : CP(IB)/1424(CHE)/2022

**APPLICATION NUMBER : a) IA/IBC/1270/2024
b) IA/549(CHE)/2021
c) IA/592(CHE)/2021
d) IA/708/2020
e) IA/1172/IB/2020
f) IVN.P/8(CHE)/2021 IN IA/549/2021
g) MA/23(CHE)/2021
h) IA/116(CHE)/2021
i) IA/522(CHE)/2021
j) IA/710(CHE)/2021
k) IA/711(CHE)/2021
l) IA(IBC)/1219/CHE/2021
m) MA(IBC)/8/CHE/2022
n) IA(IBC)/942/CHE/2021 IN
IA(IBC)/592/CHE/2021
o) IA(IBC)/345(CHE)/2022
p) IA(IBC)/438(CHE)/2023 in
IA/345(CHE)/2022
q) IA(IBC)/439(CHE)/2023 in
IA/549(CHE)/2021
r) IA(IBC)/556(CHE)/2021
s) IA(IBC)/1340(CHE)/2022
t) CONT.P(IBC)/5(CHE)/2023 in
IA/457/2020
u) IA(IBC)/542(CHE)/2023
v) IA(IBC)/533(CHE)/2023
w) IA(IBC)/947(CHE)/2023
x) IA(IBC)/1275(CHE)/2023 in
IA(IBC)/549(CHE)/2021
y) IA(IBC)/1310(CHE)/2023
z) IA(IBC)/1315(CHE)/2023 in**

IA(IBC)/549(CHE)/2021
aa) IA(IBC)/1316(CHE)/2023 in
IA(IBC)592(CHE)/2021
ab) IA(IBC)/1432(CHE)/2023
ac) IA(IBC)/1657(CHE)/2023

ORDER

Ld. Counsel Mr. Srivatsa Rao is present in IA(IBC)/1219/CHE/2021. Ld. Counsel Ms. Pavithra Venkateswaran is present in MA/23(CHE)/2021. Ld. Counsel Mr. Siddharth Nigotia is present in IA/918/IB/2020. Ld. Counsel Mr. Prithviraj for the Applicant in IA(IBC)/162/2022. Ld. Counsel Ms. Inthu Karunakaran for the applicant in IA(IBC)/947(CHE)/2023, IA(IBC)/1432(CHE)/2023 and IA(IBC)/533(CHE)/2023. Ld. Counsel Ms. Deepa Mariappan is present.

103.a. IA/IBC/2329/2023 IN IBA/1099/2019

Ld. Counsel Mr. M.L. Ganesh for State Bank of India. Ld. RP Ms. Renukadevi Rangasamy is present in person. Ld. Counsel Mr. T.K. Bhaskar for RP.

In this case Hon'ble NCLAT order is awaited.

Post the Application for hearing on **08.07.2024**.

103.b. IA/IBC/1703/2023 IN IBA/1099/2019

104.o. IA/IBC/345/2022 IN IBA/1424/2019

Ld. Sr. Counsel Mr. E. Om Prakash and Ld. Counsel Ms. Abitha Banu for the Applicant in IA/IBC/1703/2023. Ld. RP Ms. Renukadevi Rangasamy is present in person.

IA/IBC/1703/2023 has been filed seeking relief to quash the lease deed dated 18.01.2018 registered as document no.78 of 2018 being arbitrary, illegal and untenable. In this case, erstwhile RP had filed reply vide diary no.4147 dated 29.09.2023 and rejoinder has also been filed on 11.01.2024.

RP has filed an Application IA/IBC/345/2022 seeking to declare the lease deed of immoveable property of 9.32 acres in Govindapuram Village as fraudulent, null and void.

RP has stated that she has examined the transaction and the same is not in accordance with commercial propriety. Therefore the prayer sought by the

Applicant in **IA/IBC/1703/2023** has been sought to be conceded by the RP in her application **IA/IBC/345/2022**. We have examined the issue and find that the lease deed has not been entered into in terms of commercial propriety as well as not in the interest of CIRP proceedings being jointly conducted in the companies, RPPL and RISPL. Therefore the prayer in **IA/IBC/1703/2023** is **allowed**. Consequently, the prayer in **IA/IBC/345/2022** is **also allowed**. **Lease deed dated 18.01.2018 is quashed.**

Therefore both IA's IA/IBC/1703/2023 and IA/IBC/345/2022 are allowed and disposed off accordingly.

103.c. IA/590(CHE)/2021 IN IBA/1099/2019

Ld. RP Ms. Renukadevi Rangasamy is present in person.

Withdrawal memo has been filed.

In this case the Applicant stated she is withdrawing the Application as the same is not being pursued therefore **IA/590(CHE)/2021 is disposed off as withdrawn.**

103.d. IA(IBC)/55/CHE/2022 IN IBA/1099/2019

103.e. IA(IBC)/162/CHE/2022 IN IBA/1099/2019

103.f. IA/918/IB/2020 IN IBA/1099/2019

103.g. IA/970/IB/2020 IN IBA/1099/2019

103.h. IA/987/IB/2020 IN IBA/1099/2019

103.i. IA/969/IB/2020 IN IBA/1099/2019

103.j. IA(IBC)/1249/CHE/2021 IN IBA/1099/2019

In these matters Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024**.

103.k. CONT.P(IBC)/4(CHE)/2023 in IA/452/2020 IN IBA/1099/2019

Ld. Counsel Ms.Dhanya Dheekshitha for the Applicant. Ld. RP Ms. Renukadevi Rangasamy is present in person. Mr. S. Ramabhadhran, Advisor of the company in person.

This is an Application seeking to punish the contemnors for having committed contempt by wilfully disobeying the order of this Tribunal dated 01.07.2022 in IA/452/2020 in IBA/1099/2019 and also other prayers relating to cost, repairs and maintenance of generators and compensation for losses incurred owing to non-compliance.

In this case authorised person of the company stated that he is withdrawing the Application as the prayer has been complied with. RP in person also confirmed that she has complied with the prayer in the Application.

In view of the above, nothing survives in this Application and **therefore this Application CONT.P(IBC)/4(CHE)/2023 is disposed off as withdrawn.**

103.l. IA/IBC/2221/2023 IN IBA/1099/2019

103.m. IA/IBC/2211/2023 in MA/40/2020 IN IBA/1099/2019

103.n. IA/IBC/2213/2023 IN IBA/1099/2019

None for the Applicant. Ld. RP Ms. Renukadevi Rangasamy is present in person. Ld. Counsel Mr. M.L. Ganesh for State Bank of India. Ld. Counsel Mr. Pranava Charan for the CoC.

In this case the main application MA/40/2020 has been dismissed as withdrawn vide order of this court dated 29.01.2024. Therefore nothing survives in respect of the IA's filed by NALCO. Further NALCO has not been represented in the hearing today. They have not appeared during the earlier hearing held on 04.04.2024. Therefore this shows that the Applicant is not interested in prosecuting the matters and also nothing survives consequent to dismissal of

MA/40/2020. **Further, the Counsel for State Bank of India stated** that their interest is likely to be affected due to certain actions anticipated from NALCO and therefore sought liberty to file Application at a later stage. **Liberty is granted to State Bank of India to file an Application as sought above.**

In view of the above, the above IA's **IA/IBC/2221/2023, IA/IBC/2211/2023 and IA/IBC/2213/2023 are disposed off as infructuous.**

104.a. IA/IBC/1270/2024 IN IBA/1424/2019

Ld. RP Ms. Renukadevi Rangasamy is present in person. Ld. Sr. Counsel Mr. E. Om Prakash for Ld. Counsel Mr. Chetan Sagar for R2. Ld. Counsel Mr. Pranava Charan for CoC.

This is a fresh case seeking clarification on issues to conduct the consolidated CIRP of the Corporate Debtors.

Applicant is directed to serve copy of the Application on the Respondent and file AOS.

Reply be filed within two weeks.

Rejoinder, if any, be filed within a week thereafter.

Post the application for hearing on **08.07.2024.**

104.b. IA/549(CHE)/2021 IN IBA/1424/2019

104.c. IA/592(CHE)/2021 IN IBA/1424/2019

104.d. IA/708/2020 IN IBA/1424/2019

104.e. IA/1172/IB/2020 IN IBA/1424/2019

In these matters Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024.**

104.f. IVN.P/8(CHE)/2021 IN IA/549/2021 IN IBA/1424/2019

None for the Applicant. Ld. RP Ms. Renukadevi Rangasamy is present in person.

In this case none appeared for the Applicant during the current hearing as well as during the earlier hearing dated 04.04.2024. This shows that the Applicant is not interested in pursuing the matter.

This is an Application filed by erstwhile SRA of RPPL. The Applicant sought to direct the Applicant (erstwhile RP) of **IA/549/2021** to serve copy of the IA and all pleadings filed in the IA to the Intervenor's attorney and permit the Intervenor to make oral and written submissions before this Hon'ble Court. Current RP in person stated that the Applicant is no longer SRA and the plan has been set aside by NCLAT and therefore nothing survives in **this Application IVN.P/8(CHE)/2021 and the same is dismissed as devoid of merits.**

104.g. MA/23(CHE)/2021 IN IBA/1424/2019

In these matter Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024.**

104.h. IA/116(CHE)/2021 IN IBA/1424/2019

Ld. Counsel Mr.Arun Karthik Mohan for the Applicant.

Post the application for hearing on **08.07.2024.**

104.i. IA/522(CHE)/2021 IN IBA/1424/2019

104.j. IA/710(CHE)/2021 IN IBA/1424/2019

In these matters Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024.**

104.k. IA/711(CHE)/2021 IN IBA/1424/2019

Ld. Counsel Mr. Rahul Balaji for the Applicant. Ld. RP Ms. Renukadevi Rangasamy is present in person.

This is an Application seeking directions to RP to consider the full claim submitted by the Applicant / Operational Creditor.

Reply has been filed and Rejoinder has also been filed.

Pleadings are complete.

Post the application for hearing on **08.07.2024**.

104.l. IA(IBC)/1219/CHE/2021 IN IBA/1424/2019

104.m. MA(IBC)/8CHE/2022 IN IBA/1424/2019

104.n. IA(IBC)/942/CHE/2021 IN IA(IBC)/592/CHE/2021

IN IBA/1424/2019

104.p. IA(IBC)/438(CHE)/2023 in IA/345(CHE)/2022 IN IBA/1424/2019

104.q. IA(IBC)/439(CHE)/2023 in IA/549(CHE)/2021 IN IBA/1424/2019

104.r. IA(IBC)/556(CHE)/2021 IN IBA/1424/2019

104.s. IA(IBC)/1340(CHE)/2022 IN IBA/1424/2019

In these matters Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024**.

104.t. CONT.P(IBC)/5(CHE)/2023 in IA/457/2020 IN IBA/1424/2019

Ld. Counsel Ms.Dhanya Dheekshitha for the Applicant. Ld. RP Ms. Renukadevi Rangasamy is present in person. Mr. S. Ramabhadhran, Advisor of the company.

This is an Application seeking to punish the contemnors for having committed contempt by wilfully disobeying the order of this Tribunal dated 01.07.2022 in

IA/457/2020 in IBA/1424/2019 and also other prayers relating to cost, repairs and maintenance of generators and compensation for losses incurred owing to non-compliance.

In this case authorised person of the company stated that he is withdrawing the Application as the prayer has been complied with. RP in person also confirmed that she has complied with the prayer in the Application.

In view of the above, nothing survives in this Application and **therefore this Application CONT.P(IBC)/5(CHE)/2023 is disposed off as withdrawn.**

104.u. IA(IBC)/542(CHE)/2023 IN IBA/1424/2019

104.v. IA(IBC)/533(CHE)/2023 IN IBA/1424/2019

104.w. IA(IBC)/947(CHE)/2023 IN IBA/1424/2019

In these matters Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024**.

104.x. IA(IBC)/1275(CHE)/2023 in IA(IBC)/549(CHE)/2021 IN IBA/1424/2019

104.y. IA(IBC)/1310(CHE)/2023 IN IBA/1424/2019

104.z. IA(IBC)/1315(CHE)/2023 in IA(IBC)/549(CHE)/2021 IN IBA/1424/2019

104.aa. IA(IBC)/1316(CHE)/2023 in IA(IBC)/592(CHE)/2021 IN IBA/1424/2019

Ld. RP Ms. Renukadevi Rangasamy is present in person. None for the Applicant.

IA(IBC)/1275(CHE)/2023 was filed by the employee of Regen Powertech Private Limited Mr. S. Dhanasekaran seeking to dismiss

IA(IBC)/549(CHE)/2021 in- limine with exemplary costs as not maintainable and as an abuse of the process of law.

The Counsel for the RP stated that employee of the company RPPL who is the Applicant in this case has questioned the Business Transfer Agreement between RPPL and RISPL in all the above applications and he has no locus standi. The RP also stated that the above Applicant have filed withdrawal memo stating that he has filed it as DGM of RPPL and he does not have locus or any authorisation to represent the company when the company was under CIRP and therefore he is withdrawing the Applications and also expressed unconditional apology for causing inconvenience to this Tribunal.

RP is directed to e-file the withdrawal memo.

In view of the above, all the above Applications **IA(IBC)/1275(CHE)/2023, IA(IBC)/1310(CHE)/2023, IA(IBC)/1315(CHE)/2023 and IA(IBC)/1316(CHE)/2023** are dismissed as withdrawn.

104.ab. IA(IBC)/1432(CHE)/2023 IN IBA/1424/2019

104.ac. IA(IBC)/1657(CHE)/2023 IN IBA/1424/2019

In these matters Hon'ble NCLAT order is awaited.

Post the Applications for hearing on **08.07.2024**.

-Sd-

RAVICHANDRAN RAMASAMY
Member (Technical)

-Sd-

JYOTI KUMAR TRIPATHI
Member (Judicial)

phk