

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

ATTENDANCE CUM ORDER SHEET OF THE HEARING  
HELD ON **02.02.2024** THROUGH PHYSICAL HEARING

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**PRESENT:** HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)  
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)  
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**IN THE MATTER OF** : Prasad Properties & Investments Pvt  
Ltd

**MAIN PETITION NUMBER** : CP/1352/IB/2018

(IA/MA) APPLICATION NUMBERS

IA(IBC)/1897(CHE)2023; Cont.App/7(CHE)/2023

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S.NO. NAME (IN CAPITAL) DESIGNATION SIGNATURE  
REPRESENTATION BY WHOM  
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1. Sr. Adv. S.A. Rajagopal  
for A. G. Sathya Narayana

for Respondents in  
Contempt &  
Applicantn IA/1897/23

*[Signature]*

2. N.P. vijaykumar

R. Pradeep  
M. Navaneeth Krishnan  
Counsel for Petitioner in

1. Cont.P. 7 of 2023

2. RI in A.No. 1897/2023

*[Signature]*

*[Signature]*

*[Signature]*

**1 CP/1352/IB/2018  
IA(IBC)/1897(CHE)2023; Cont.App/7(CHE)/2023**

**ORDER**

Ld. Counsel Shri. N P Vijay Kumar for the Applicant /  
Liquidator.

Ld. Sr. Counsel Shri. S R Rajagopal assisted by Shri. A G  
Sathyanarayana for the Respondents, who are also present in  
person.

This application has been filed to initiate contempt proceedings  
against the Respondents for willfully disobeying the order dated  
12.12.2022 passed by this Tribunal whereby the Respondent /  
Suspended Board of Directors were directed to cooperate with the  
RP and hand over all the information / documents and assets as  
mentioned in the order within 30 days from the date of the order.

In the Reply / Counter, the Respondents have submitted that  
the Corporate Debtor became inoperative ever since 2016.  
However, the management made all efforts in filing the financial  
statements until 31.03.2015 since the Corporate Debtor has  
properties in huge values as assets. Trial balance and IT portals ID  
along with password were also handed over.

It is stated that most of the documents were destroyed during  
the floods in 2015 and there were no activities of the Corporate  
Debtor since 2016. It is stated that books of accounts have been  
handed over and the Respondents do not have any soft copies since  
all the employees left the company in the year 2016 itself. Full  
cooperation was extended to the Applicant in identifying the  
properties. Details have been given in Para 14 of the Reply /  
Counter.

Ld. Counsel per contra submits that RP was informed that the subject property has been litigated by a third party with forged power of attorney by transferring the property in favour of his family members etc. However, the Liquidator did not take any action on the said information / forged power of attorney for which the Respondents have filed an application No. 1897/2023 seeking to take steps to cancel the illegal sale transactions and to safeguard the assets of the Corporate Debtor.

A perusal of the Reply of the Liquidator shows that the Liquidator has sought details with regard to forged power of attorney / fraudulent sale. However, he did not get any document / pleadings to enable him to ascertain the status of litigation. It is also stated that the books of accounts do not reflect the consideration that was paid for the sale of the above property.

In Rejoinder, it is stated that the Respondent had sent a detailed note regarding litigation vide mail dated 28.10.2022 followed by mail dated 13.11.2023. It is stated that sale deeds have been fraudulently executed by the third parties and for this reason the sale consideration is not reflected in the books of the Corporate Debtor. It is also stated that Respondents are still willing to cooperate with the Liquidator and provide further assistance in order to safeguard the property worth Rs. 400.0 Crores.

We are informed that the property in question is mortgaged with Kotak Mahindra Bank. However, in the application IA(IBC)/1897(CHE)2023 Kotak Mahindra Bank has not been made as Respondent.

Steps be taken by the Applicant to implead Kotak Mahindra Bank as party / Respondent and serve copy.

The Respondent / Suspended Directors are also directed to file copy of the sale deed and relating correspondences as to the alleged forged power of attorney for consideration on the next date.

List both the applications for hearing on **18.03.2024**.(physical hearing)

**Sd/-**

**(VENKATARAMAN SUBRAMANIAM)**  
MEMBER (TECHNICAL)

MG

**Sd/-**

**(SANJIV JAIN)**  
MEMBER (JUDICIAL)