NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT– I) CHENNAI
ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **11.10.2022 at 02.30 PM** THROUGH VIDEO CONFERENCING

PRESENT: **JUSTICE RAMALINGAM SUDHAKAR, HON'BLE PRESIDENT**
SHRI. SAMEER KAKAR, MEMBER (TECHNICAL)

IN THE MATTER OF : **M/s.Appu Hotels Pvt Limited**

MAIN PETITION NUMBER : **IBA/1459/2019**

(IA/MA) APPLICATION NUMBERS

New Application IA/1048(CHE)2022, IA/324/CHE/2021 IN IBA/1459/2019, IA/325/CHE/2021 IN IBA/1459/2019

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202) IBA/1459/2019
New Application IA/1048(CHE)2022; IA/324/CHE/2021 IN IBA/1459/2019; IA/325/CHE/2021 INIBA/1459/2019

ORDER

New Application IA/1048(CHE)2022:

The Applicant is represented by the Sr. Counsel Mr. NL Rajah for T. Ravichandran through video conferencing mode.

This Application has been filed by RP of Appu Hotels Limited seeking the following relief:-

a) Permit the Applicant herein to complete the CIRP process by 12th October, 2022 (from 13.07.2022 to 12.10.2022 and

b) Pass such other relief which are deemed fit and necessary in the nature and circumstances of the case and thus render justice.

CIRP in the matter was Ordered by this Tribunal on 05.05.2020 the Resolution Plan was approved by this Tribunal on 15.07.2021 in IA/150/2021. Hon'ble NCLAT vide Order dated 17.02.2022 has set aside the Orders passed by this Tribunal and as directed the Applicant to continue the CIRP from the publication stage of Form-G for inviting extension of interest afresh the Copy of Order passed by Hon'ble NCLAT is attach as Annexure-3.

The said Order by Hon'ble NCLAT was challenged by way of appeal filed before the Hon'ble Supreme Court by the successful Resolution Applicant and by the Applicant herein. It was stated that Hon'ble Supreme Court has reserve the judgement in the appeal.

This Tribunal vide Order dated 03.06.2022 in IA703/2022 extended the CIRP period and excluded period of 376 days and accordingly, fixed the 270th day as 12.08.2022.

In Para 8 it is averred seven Resolution Plans are under consideration of the Applicant.

In the instant case although 270 days had expired and there is every likelihood of Resolution Plan is being approved by COC. Interest of justice warrant the exercise of discretion by this Tribunal as held by the Supreme Court in Committee of Creditors Essar India Limited Versus Satish Kumar Gupta and others and permit the Applicant herein to complete the process within the overall time period of 330 days as set out in the proviso to Section 12(2). In view of the facts stated above, the Applicant requires 60 days for completion of the CIRP process.

The COC in its 16th meeting held on 10.08.2022 resolved that the Resolution Professional to file an Application for extension/exclusion of CIRP. Minutes of the 16th COC are Annexed as Annexure-6 in the Application.

In the interest of justice looking to the circumstances of the case where lot of litigations is finally yet to be decided we are favourably inclined to consider the present Application.

Accordingly, CIRP period of the Corporate Debtor is here to be extended till 12.10.2022.

Accordingly, **IA/1048(CHE)2022 disposed of.**

IA/324/CHE/2021 IN IBA/1459/2019; IA/325/CHE/2021 IN IBA/1459/2019:

List the other matters on **18.11.2022** for further hearing.

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[SAMEER KAKAR]
MEMBER (TECHNICAL)
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-Sd-

[JUSTICE RAMALINGAM SUDHAKAR]
(PRESIDENT)

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SHRI. SAMEER KAKAR, MEMBER (TECHNICAL)

IN THE MATTER OF : **M/s. Sun Brushware Pvt Ltd**

MAIN PETITION NUMBER : **CP/382/IB/2018**

(IA/MA) APPLICATION NUMBERS

IA/834(CHE)/2022

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206) IA/834(CHE)/2022 IN CP/382/IB/2018

ORDER

The Applicant is represented by the Ld. Counsel Mr. Raj Jhabakh through video conferencing mode.

Ld. Counsel for the Applicant states that IA/834(CHE)/2022 has become infructuous in view of the judgement passed by Hon'ble Supreme Court in the matter of Sundaresh Bhatt the Liquidator of ABG Ship yard vs Central Board of Indirect Taxes and Customs in Civil Appeal No. 7667 of 2022 vide Order dated 26.08.2022

Submissions made by Applicant are taken on record.

Hence, IA/834(CHE)/2022 is **dismissed as infructuous**.

-Sd-

-Sd-

[SAMEER KAKAR]
MEMBER (TECHNICAL)

[JUSTICE RAMALINGAM SUDHAKAR]
(PRESIDENT)

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