

**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 18-04-2024 AT
10.30 A.M. THROUGH PHYSICAL HEARING:**

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

IN THE MATTER OF : M/s ST.John Freight Systems Ltd

PETITION NUMBER : CP/759/IB/2018

APPLICATION NUMBER : a) MA/839/2019
b) MA/840/2019
c) MA/842/2019
d) MA(IBC)/115/CHE/2021
e) MA(IBC)/116/CHE/2021
f) MA/78/2020
g) IA(IBC)/635/2022
h) IA(IBC)/1561(CHE)2022
i) IA(IBC)/1(CHE)2023

V-V-Sivakumar for
Axis Bank in MA/840/19



S. Sathyanarayanan
D. Paritha

Counsel for KVB
in MA/839/19



Mr. E. Om Prakash, senior counsel

For M/s. Ramalingam & Associates

~~MA/842/19~~
MA/842/19
Counsel for IP31



AVINASH KRISHNAN KAVI

Counsel for respondent

in MA(IBC)/115/CHE/2021



Ashwin Shanbhag
In 1561/2022

For Respondent
Liquidator



Panitha
Venkateswaran

Counsel for Petitioner
in 2A 1561/2022
1/2023

PdE

Seevan Hari,
Aparajitha Vishwanath

Counsel for Applicant
MA 78/2020

JP
18/04/24

Amc Sridharan
MA 146/2021

Counsel for Respondent

Amc

ADUTK BHASKAR
for

Counsel for Liquidator

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Adv Mayan Jain &

Adv. Prasad for Debtor

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ORDER

4.a. MA/839/2019 IN CP/759/IB/2018

4.b. MA/840/2019 IN CP/759/IB/2018

4.c. MA/842/2019 IN CP/759/IB/2018

Ld. Counsel Mr. T.K. Bhaskar for the Applicant / RP. Ld. Counsel Mr. S. Sathyanarayanan for the Respondent in MA/839/2019.

Ld. Counsel Mr. T.K. Bhaskar for the Applicant / RP. Ld. Counsel Mr.V.V. Sivakumar for the Respondent in MA/840/2019.

Ld. Counsel Mr. T.K. Bhaskar for the Applicant / RP. Ld. Sr. Counsel Mr. E. Om Prakash for the Respondent in MA/842/2019.

In this case during the last hearing the Counsel for the Respondent in MA/839/2019 was directed to seek instructions on the removal of the lien on the Fixed Deposit and crediting the amount of Rs.7,08,878/- to the account of the Corporate Debtor by the Karur Vysya Bank. However the Counsel states that he has not been given clear instructions in the matter.

Similarly Ld. Sr. Counsel Mr. E. Om Prakash stated that IDBI Bank has Rs.1,05,00,000/- as fixed deposit which has been renewed during the CIRP period and lien has been created and he stated that it is their security and the lien will continue.

Similarly Ld. Counsel Mr. V.V. Sivakumar representing Axis Bank stated that Rs.1,60,44,219/- as Fixed Deposit has been renewed during the CIRP period and lien has been created as a security interest and the lien will continue.

It has been made clear during the last hearing, any right or lien which existed prior to CIRP extinguishes post CIRP as the amount in question has matured and new renewal if any has to be done on the direction of this Court.

In view of the above, we are of the view that the fixed deposits proceeds consequent to maturity must be credited to the account of the Corporate Debtor without any lien and **Karur Vysya Bank Ltd, Axis Bank Ltd, IDBI Bank Ltd is directed** to credit the above amounts to the account of the Corporate Debtor within a week from the date of hearing on or before 30.04.2024.

The Counsel for the parties are directed to submit a memo of compliance.

List the matters for hearing on **06.05.2024**.

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4.d. MA(IBC)/115/CHE/2021 IN CP/759/IB/2018

Ld. Counsel Mr. T.K. Bhaskar for the Applicant / RP. Ld. Counsel Mr. Avinash Krishnan Ravi for the Respondent.

This is a case where arguments are heard.

The Respondent is directed to reconcile the ledger balances and arrive at the undisputed amounts which are payable to the Corporate Debtor where the Corporate Debtor has rendered services to the satisfaction of the Respondent. If such payments are segregated the same should be made good to the account of the Corporate Debtor. The Applicant is directed to examine the disputed transaction wherein the goods have not been delivered and produce the necessary documents concerning the particular transaction to ascertain the responsibility for non-delivery of the shipment.

The above information is to be given within 2 weeks.

List the application for hearing on **10.06.2024**.

4.e. MA(IBC)/116/CHE/2021 IN CP/759/IB/2018

4.f. MA/78/2020 IN CP/759/IB/2018

4.g. IA(IBC)/635/2022 IN CP/759/IB/2018

4.h. IA(IBC)/1561(CHE)/2022 IN CP/759/IB/2018

4.i. IA(IBC)/1(CHE)/2023 IN CP/759/IB/2018

List the applications for hearing on **10.06.2024**.

-Sd-

RAVICHANDRAN RAMASAMY
Member (Technical)

phk

-Sd-

JYOTI KUMAR TRIPATHI
Member (Judicial)