

**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**

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

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**IN THE MATTER OF : M/s Harsha Exito Engineering Pvt Ltd**

**MAIN PETITION NUMBER : IBA/471/2020**

**(IA/MA) APPLICATION NUMBERS**

**IA/248(CHE)/2022, IVN.P/7(CHE)/2022, IA/829(CHE)/2022 IN IA/248(CHE)/2022**

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201) IBA/471/2020  
IA/248(CHE)/2022;IVN.P/7(CHE)/2022;  
IA/829(CHE)/2022 IN IA/248(CHE)/2022

ORDER

IA/248(CHE)/2022 and IA/829(CHE)/2022 IN IA/248(CHE)/2022:

The Applicant is represented by the Ld. Counsel Mr. ML Ganesh through video conferencing mode.

List the matter on **17.10.2022** for **physical hearing**.

IVN.P/7(CHE)/2022:

The Applicant is represented by the Ld. PCS Mr. K. Gaurav Kumar through video conferencing mode.


This Application has been filed by SMS Foundation & Investment LLP.

IA(IBC)/753/CHE/2021 has been filed against the rejection of claim by the RP before this Tribunal. Vide order dated 08.07.2022 this Tribunal has dismissed the said IA(IBC)/753/CHE/2021 on the ground that the Applicant is a shareholder of the Corporate Debtor.

Against the said Order an appeal has been preferred by the Applicant before the Hon'ble NCLAT. At present there is no stay granted by Hon'ble NCLAT in the matter.

In view of the same, we are inclined to go ahead in the matter of IA/248(CHE)/2022 seeking approval of the Resolution plan. As per the last order in IA/753/2021 the Applicant herein, has no locus standi to raise any objection.

Accordingly, IVN.P/7(CHE)/2022 is hereby **dismissed**.



[SAMEER KAKAR]  
MEMBER (TECHNICAL)

AR



[JUSTICE RAMALINGAM SUDHAKAR]  
(PRESIDENT)