

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

IA No.937/2022

in

Company Appeal (AT) (CH) (Ins) No.358/2022

(IA Nos.821/2022, 818/2022, 1094/2022, 868/2023 & 869/2023)

In the matter of:

Mr. Babu Manoharan Jaikumar Christhurajan	... Appellant
V	
Mr. Umesh Garg & 2 Ors.	...Respondents
<u>Present :</u>	

For Appellant	: Mr. P.H. Arvindh Pandian, Senior Advocate For Mr. G. Sudhakar, Advocate
For Respondents	: Mr. Abhishek Anand, Advocate, For R1 & R2 Mrs. Gayathri Harish, Advocate, For Impleadment

ORDER
(Hybrid Mode)

18.11.2024:

Since I have been approached by my real brother who has dropped in the following messages: -

“Brother, what can be in this paper that I am sending, what is the possibility of it happening, please try to give proper advice. This is a matter of your own court. My intention is not to hurt in any way and if I have caused any kind of trouble, then I apologize.

Reliefs Sought

In view of the facts mentioned in Para 7 above, points in dispute and questions of law set out in Para 8 and grounds in para 9, the Appellant prays that this Hon'ble Appellate Tribunal may be pleased to:

a) Admit and allow the present appeal and set aside the impugned Order dated 26-08-2022 passed by the Hon'ble National Company Law Tribunal, Special Bench-II, Chennai in IA/800(CHE)/2022 in IBA/685/2019 (Chennai Bench);

b) Consequently, since all the dues relating to financial creditors are cleared, the Hon'ble Tribunal may be pleased to order

1) Quash the CIRP proceedings

2) Direct the 1st respondent to handover the corporate debtor to the Board as going concern.

3) Direct the Appellant to undertake by way of bank guarantee to honour the Liquidator cost.

4) Direct the Appellant to undertake by way of affidavit and honour the operational creditors such as Government Dues and other than workmen and Government Dues as on 29th March 2022.

the list of creditors (as on 29th March 2022)

Sl .#	Name of Creditor	Amount Claimed	Amount Admitted	% of Claim
I	Financial Creditors			
1	- Indian Bank Cleared - NOC obtained	164,71,20,052	153,53,17,263	98.08 % (in the CoC)
2	- HDFC Cleared - NOC obtained	3,00,51,707	3,00,51,707	1.92% (in the CoC)
II.	Operational Creditors (Govt dues)			
1	-Sales Tax Claim	3,69,69,816	3,69,69,816	
2	Provident Fund Claim	1,59,701	1,59,701	
III	Operational Creditors (Private)			
1	Chola Packaging Pvt.Ltd.	50,00,000	50,00,000	
2	Sri Shanmuga Polimers (P) Ltd	22,51,844	22,51,844	

The 1st Respondent conducts the liquidation for the II and III. Which are to be operational dues by incurring huge unnecessary cost for appellant.

c) order such further or other reliefs as this Hon'ble Tribunal may deem fit and proper in the nature and circumstances of the case and thereby render justice.

Date 18.11.2024

I apologize to your court and your profession. I have never made this request before but what I am doing, I am saying it for the first time to the court that this is our personal matter. There is no pressure of any kind because whatever decision you and the court take, we will accept it. I just request that you can reserve this matter as per your discretion and if there is even the slightest scope, it will be better if you have complete information about it. I am requesting once again that I have no doubt on your thoughts, feelings and decision and neither do I intend to hurt you, this is my first request that you accept it and reserve it. It is not an order, it is a request”.

With a very sorry note, I refuse to hear this appeal. Let the matter be placed before the Hon’ble Chairperson for the nomination of another bench.

Upon the aforesaid information being brought to the knowledge of the Learned Senior Counsel for the Appellant, he seeks to withdraw himself from the case. Permission as prayed for is granted.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

VG/TM/MS