

NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
CHENNAI

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ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD AT 10.30 AM ON 21.08.2018

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER : MA/137/IB/2018
PETITION NUMBER : TCP/385/IB/2017
NAME OF THE PETITIONER(S) : KITEC INDUSTRIES INDIA PVT LTD
NAME OF THE RESPONDENTS : EMMANUEL ENGINEERING PVT LTD
UNDER SECTION : 33(1)

| S.No. | NAME (IN CAPITAL) | DESIGNATION | SIGNATURE |
|-------|-----------------------|-------------------------|-----------------------|
| | | REPRESENTATION BY WHOM | |
| | G. GEORGE RAJA SELVAN | for Respondents | G. Raja Selvan |
| | M/S. M. V. HANU | owned for Bank (IOB) | M. V. Hanu |
| | N. Venkatasubramanian | for Liquidator | N. Venkatasubramanian |
| | J. VEDA RAGURAJ | for HDFC LTD | J. Veda Raguraj |

ORDER

Liquidator along with his Counsel present. Counsel for Suspended Directors viz., Mr. Rajamony Juspus Shalin and Mr. Rajamony Benon Shalin present. There is no representation on behalf of RP viz., Mr. R. Krishnamoorthy. Counsel for R4 and R5 present.

It has been submitted by R1 and R2 that the original property document has been lost and FIR has not been filed.

The Respondents have also filed an affidavit signed by the Suspended Directors stating that the document was missing and they are ready to co-operate with the Liquidator to file a Police complaint. The certified copy of the document is handed over to the Liquidator. It has specifically been deposed in the affidavit under para '9' and '10' that the Ex Directors have not created any encumbrance of the said property and they will not create any encumbrance of the same in future. The Affidavit is taken on record.

R1 and R2 are directed to remain present on next date of hearing and in the meantime they are directed to take steps to provide all the informations relating to the accounts of the C.D. to the Liquidator.

The Liquidator is directed to send a notice to the RP viz., Mr. R. Krishnmurthy to remain present in person before this Bench on next date of hearing.

The Liquidator is directed to provide an estimate of the required expenses to R4 and R5 i.e., Indian Overseas Bank, Thiruvottiyur Market Branch, 189, T.H. Road, Thiruvottiyur, Chennai – 600 019 and HDFC Ltd., Second Floor, ITC Centre, 760 Anna Salai, Chennai 600 002 by providing the expenses for liquidation of the properties of the C.D. After receiving the estimate of the expenses from the Liquidator, R4 and R5 are directed to provide the same within one week. Thereafter the Liquidator shall file the status report before this Bench on next date of hearing. Put up on **31.08.2018 at 10.30 A.M.**


(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)