

NATIONAL COMPANY LAW TRIBUNAL  
DIVISION 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 11/9/2018

PRESENT: SHRI K. ANANTHA PADMANABHA SWAMY, MEMBER-JUDICIAL  
SHRI S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

APPLICATION NUMBER : MA/389/IB/2018  
PETITION NUMBER : CP/552&553/IB/2018  
NAME OF THE PETITIONER(S) : FATHIMA ABDUL KHADAR  
NAME OF THE RESPONDENT(S) : PARAGON STEELS PVT LTD & 2 OTHERS

UNDER SECTION : 60(5)

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
1	Aashish Jain doria For Suleena & Suleena Rep by Se. Counsel Ms Keishran	Counsel for COC/ Financial Credit & Representation by whom	Aashish
	V.V. SIVAKUMAR for DVA ASSOCIATES	Counsel for Resolution Professional	

**ORDER**

Counsel for RP present. Senior counsel for COC/Financial Creditor present. Senior counsel for Resolution Applicant present. In this case, the Resolution Applicant could not adhere to the payment schedule mentioned in the approved resolution plan. Counsel for the Resolution Applicant stated that there are circumstances due to the excessive rainfall in the areas of Kerala which affected ~~the enterprises of the Resolution Applicant and as a result of which, Resolution~~ Applicant is unable to bring in the finances in terms of the resolution plan. The learned senior counsel for the sole Financial Creditor stated that the default has occurred even before the commencement of heavy rain in Kerala. The learned RP stated that in case the resolution plan fails, there is no other resolution application and liquidation has to be ordered in respect of the Corporate Debtor. On the basis of the recommendation of the COC, RP is directed to suggest the name of the Liquidator along with other terms and conditions for his remuneration and services. The learned senior counsel for COC raised the issue regarding the penalty to be levied on the erstwhile resolution applicant under Section 74 (3) of IBC. Regarding Section 74 (3), an application needs to be filed by the COC through the RP, a copy of which will be served on the erstwhile resolution applicant. The erstwhile Resolution Applicant will file a counter and directed to furnish copy to the other side. Pending the disposal of the application under Section 74 (3), no further amounts of the erstwhile resolution applicant is to be spent by the Corporate Debtor for any other purposes. Matter is adjourned for making further submissions in this regard. **Put up on 04.10.2018.**

*-sd-*  
(S VIJAYARAGHAVAN)  
Member (Technical)

*-sd-*  
(K ANANTHA PADMANABHA SWAMY)  
Member (Judicial)