

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT-I)
CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH,
NATIONAL COMPANY LAW TRIBUNAL, HELD ON **14.06.2021 at 2.30 P.M**
THROUGH VIDEO CONFERENCING

**PRESENT: SMT. R.SUCHARITHA, MEMBER (JUDICIAL)
SHRI. ANIL KUMAR B, MEMBER (TECHNICAL)**

IA/MA/IBA/TCP/TCA/CP/CA No : IA/197/CHE/2021 IN CP/565/IB/2017
NAME OF PETITIONER : G V Ravikumar (Liquidator) of M/s Air Carnival Pvt Ltd
NAME OF RESPONDENT : S I Nathan (Suspended Director)
SECTION : Sec 19(2) r/w Sec 60(5) of IBC 2016

ORDER

Mr. B. Ramana Kumar, Advocate for the Applicant/Liquidator along with Mr. G.V.Ravikumar, Liquidator and Mr. R. Vidhyashankar, Advocate for the Respondent are present through Video Conferencing Platform.

IA/197/CHE/2021 is taken up for hearing. This Application has been filed by the Liquidator seeking a pathway easement right over the adjacent property belonging to the promoter on which the collage premises is situated.

The Liquidator states that the property appears to be in the name of the erstwhile promoter, however, since the property reflects in the books of accounts of the Corporate Debtor, this property has become part of the asset of the Corporate Debtor. Hence, at page No.59 of the Application, the Liquidator has filed the sketch stating that there is no access to the main road from the property of the Corporate Debtor even though a small way of "15 links" is reflected as pathway to the Corporate Debtor's property in the document that road is not usable and hence there



is no way the people of liquidator and his team shall have to access to the property from the main road.

The only pathway which is useable is through the college of the promoter, adjacent to the building of the Corporate Debtor, hence the Corporate Debtor seeks a declaration that this pathway is an easement right of the property.

Ld. Advocate for the Respondent has also filed his Counter and vehemently opposes that there is no pathway in his property to be treated as a right of easement. However, the Counsel for Respondent does not have objection for an ad-interim direction, the Liquidator and his team of people to access of the Corporate Debtor's property through the property of the promoter until this IA is decided.

The Liquidator shall give a 'letter of identity to his team', identifying them so that the security and people of the promoter will be able to permit to access to the property, unless the team of members carry with them a letter of identification from the Liquidator, no other person or people or vehicle will be permitted

to enter the property of the promoter to access the property of the Corporate Debtor.

List the main Application on **01.07.2021** for further hearing.

-sd-
(ANIL KUMAR B)
MEMBER (TECHNICAL)

-sd-
(R. SUCHARITHA)
MEMBER (JUDICIAL)

MS