

**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 **15.07.2021 at 10.30 A.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/948/IB/2020 IN IBA/316/2019

NAME OF PETITIONER : Muthuiah Thevar Rajapandian (RP)
M/S Unique Roof Pvt Ltd

NAME OF RESPONDENT : Avalon Cosmetics Pvt Ltd (Coimbatore) & 1 Another

SECTION : Sec 17, 18, 20, 25(2)(b) R/W Sec 60(5) Of IBC 2016

ORDER

Ld. RP Mr. Muthuiah Thevar Rajapandian appears in person and the Respondent is represented by Ld. Counsel Mr. Aniruth Bhargav through video conferencing mode.

Ld. Counsel for the Applicant states that this Application has been filed under Sections 17, 18, 20, 25(2)(b) read with Section 60(5) of the Insolvency and Bankruptcy Code, 2016, wherein the following prayers are sought for:

"The Hon'ble Tribunal may be pleased to direct the Respondent to pay the balance outstanding to the Corporate Debtor in pursuant to the supplies made by the Corporate Debtor to the Respondent company.

The Hon'ble Tribunal may be pleased to direct the Respondent to pay the balance outstanding amount of Rs.47,26,235/- (Rupees forty seven lakhs twenty six thousand two hundred and thirty five only) to the Corporate Debtor in pursuant to the supplies made by the Corporate Debtor to the Respondent Company and pass any such other order, orders, direction and directions and thus render justice".

It is represented by the Ld. Counsel for the Respondent that balance outstanding as per the reconciliation is a sum of Rs.9,80,5276/- which is admittedly less than 10% of the contract value, and the said amount is linked to the performance guarantee. Further, after completion of the work, the Corporate Debtor has failed in his performance of his obligation.

Upon query posed by this Tribunal regarding GST claim, the Respondent undertakes to file written submissions clarifying the GST claim in respect of the amount admitted by the Respondent and the same shall be complied with on or before the next date of hearing.

List this matter on **27.08.2021** for written submission and hearing.

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(ANIL KUMAR B)
MEMBER (TECHNICAL)

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(R. SUCHARITHA)
MEMBER (JUDICIAL)