

**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 **09.08.2021** 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 : MA/06/2021 IN CP/597/IB/2017
NAME OF PETITIONER : V Nagarajan (RP) M/s Of Aruna Hotels ltd
NAME OF RESPONDENT : Mr.Susai Nadar David & Others
SECTION : Sec 17, 18, 19(2), 23 & 25 Of IBC 2016
R/w Rule 11 Of NCLT Rules 2016

ORDER

The Petitioner is represented by the Ld. Counsel Mr. R. Subramanian and for R1 to R5 are represented by the Ld. Senior Counsel Mr. Arvinth Pandian and for R7/HDFC Bank is represented by Ld. Counsel Mr. C. Mohan for King and Partridge through video conferencing mode.

This MA/06/2021 was filed on 12th March 2021 under Sections 17, 18, 19(2) 23, 25 and 60 of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 and Rule 15 of the NCLT Rules, 2016 on the ground that the erstwhile board of directors are not co-operating with the RP for conducting the CIRP. Ld Counsel for the Respondent brings to the notice of this Tribunal the Order passed by Hon'ble Supreme Court in Civil Appeal No1792 of 2021 dated 23.07.2021 at Page No.34 where it has been stated that there shall be stay of operation and implementation taken out in pursuance of the impugned order.

Ld. Counsel for the Petitioner vehemently argued that the proceedings for CIRP are required to be proceeded with. Ld. Counsel for the Petitioner states that, the entire order passed by this Tribunal is stayed by the Hon'ble Supreme Court.

The Ld. Counsel for the Respondent is permitted to file reply in the Registry before the next date of hearing.

In the final Order dated 04.06.2021 passed by this Tribunal in IA/361/2021 at paragraphs 14 & 15, it has been clearly stated that the Application under 12A of IBC 2016 for withdrawal of the CIRP of the Corporate Debtor was allowed. Subsequently, all the Applications filed in the IBA was closed. Further, this MA/06/2021 was mentioned before us and the same was listed on 05.08.2021.

At the request of the Ld Counsel for the Petitioner, the Registry was directed to list the MA/06/2021 for hearing and disposal on 09.08.2021. Therefore, this MA/06/2021 listed today for hearing.

Ld. Counsel for the Respondent categorically stated on the Order dated 04.06.2021 that, since the main Application has been closed as withdrawn, all the other connected Applications filed in the main Applications stands automatically closed.

List the matter for further hearing on **28.09.2021**.

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

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