

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**

PRESENT: HON'BLE SHRI RAJESWARA RAO VITTANALA – MEMBER (JUDICIAL)

PRESENT: HON'BLE SHRI RAVIKUMAR DURAISAMY – MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 17.10.2017 AT 10.30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CP (IB) No. /115/9/HDB/2017
NAME OF THE COMPANY	Suryodaya Infra Projects (I) Private Ltd
NAME OF THE PETITIONER(S)	Mc Nally Sayaji Engineering Ltd
NAME OF THE RESPONDENT(S)	Suryodaya Infra Projects (I) Private Ltd
UNDER SECTION	Sec 9 of IBC

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
Ms. K- SRILATHA	Advocate	Sritha@kingandpartridge.in 9449733396	[Signature]
T- SURYANARAYANA	Advocate		

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
DR.S.V. RAMA KRISHNA	Adv.	Svramakrishna@gmail.com 9848405691	[Signature]

Enclosed Order Sheet

Heard Shri T. Suryanarayana and Ms. K. Srilatha, Learned Counseis for the Petitioner and Dr S.V. Rama Krishna, Learned Counsel for the Respondent at length.

Shri T.Suryanarayana, Learned Counsel for the Petitioner has filed a memo dated 17.10.2017 by stating that in pursuant to the Directions given by the Tribunal to explore the possibility of settlement, both the parties have come to a settlement with regard to the amount as Rs.61 lakhs. However, the Respondent, while agreeing to pay the amount, insisted for password / manuals and to send Engineers for commissioning the machinery.

Since the issue in question relates to about 5 years back and the Petitioner has already initiated the case under NI Act, this Tribunal is trying to resolve the issue instead of initiating the CIRP which may not be the solution for the parties when the parties themselves mutually agreed for the amount. So far the request of the Respondent regarding Password/manuals is concerned, we want to hear from technical person from McNally Sayaji Engineering Ltd, the Petitioner Company, to depose before us. Therefore, we direct Shri T. Suryanarayana to depute one senior technical person on behalf of the Petitioner Company to visit the site near Bellary, his travel and boarding expenses to be borne by the Respondent Company. He will assess the condition of the machinery and the possibility of commissioning the machinery as requested by the Respondent, and he is also directed to be present here on 10.11.2017.

Post the case on 10.11.2017.

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