

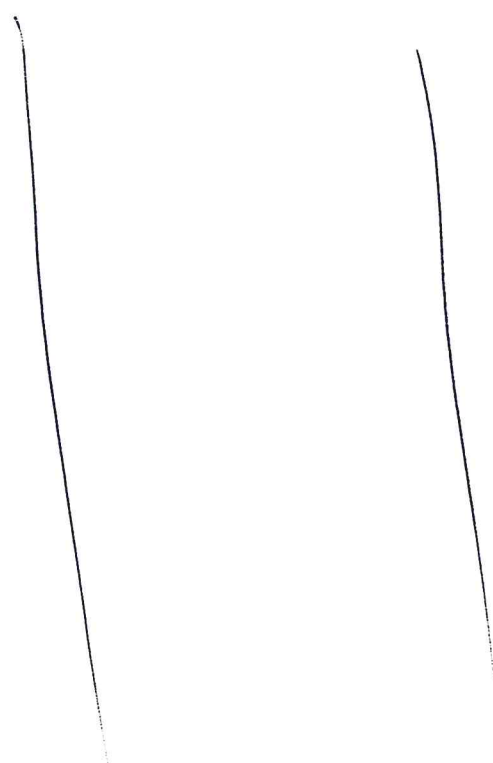
NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 08/01/2018 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :
PETITION NUMBER : CP/557/IB/2017
NAME OF THE PETITIONER(S) : R.L. STEELS & ENERGY LTD
NAME OF THE RESPONDENT(S) : JONAS WOOD HEAD & SONS INDIA LTD
UNDER SECTION : 9 RULE 6

| S.No. | NAME (IN CAPITAL) | DESIGNATION | SIGNATURE |
|------------------------|--|-------------------------------|---------------|
| REPRESENTATION BY WHOM | | | |
| 1. | RAHUL TOILA PAWAN SHIBAKH | Counsel for the Applicant | K.P. Ghadrath |
| 2. | R. MURARI SENIOR COUNSEL FOR BADRI NATARASAN * GURU DHANANSAI | Counsel for the Respondent | Gan Chingyi |



ORDER

Counsels for both the parties are present. Counsel for the Applicant submitted that the material supplied to the Corporate Debtor amounting to Rs.6 lakhs (as a round figure) has not been taken into consideration by the Auditor for determining the actual amount payable by the Corporate Debtor. He submits that if the scraps were to be returned to the Applicant that would have some value. However, he is contending that 50% of the total value of the said material be directed to be paid. The next issue raised is payment of the interest part on delayed payment. Counsel for the Applicant submits that Rs.15 lakh is the approximate amount to be paid as interest by the Corporate Debtor on delayed payments.

The Counsel for the Corporate Debtor submitted that the claim in relation to Rs.6 lakhs stands rejected by the Auditor. As to the interest part, it has been concluded by the Auditor that there is no document evidencing the liability of the Corporate Debtor to pay interest on delayed payments. However, the Counsel for the Applicant is in agreement with the Auditor's report except the issues raised. The Counsel for the Corporate Debtor has reluctantly accepted the report of the Auditor.

Based on the report of the Auditor, the contentions raised by the Counsel for the Operational Creditors stand rejected for the reasons stated in the report of the Auditor.

Thus, the report of the Auditor is accepted and the Corporate Debtor is held liable to pay the outstanding debt to the Operational Creditor to the tune of Rs.31,72,431/-. Accordingly, the Assistant Manager, Canara Bank, Anna Salai (Mount

Road) Branch, Chennai is directed to make payment to the Applicant viz., R.L. Steels & Energy Ltd. to the tune of Rs.31,72,431/- out of Rs.40 lakhs deposited in the Escrow account No.0911201022397.

The remaining amount shall be paid to the Corporate Debtor viz., Jonas Woodhead & Sons (I) Ltd., after deducting service charges of the Bank, if any. The Corporate Debtor shall bear the fees of the Auditor, as may be agreed by mutual consensus between the Auditor and the Corporate Debtor.

Accordingly, the CP stands **disposed of**.

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(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)

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