

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH
CHENNAI

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ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 04/08/2017 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : CP/531/ (IB)/CB/2017
NAME OF THE PETITIONER(S) : STATE BANK OF INDIA (STRESSED ASSETS
MANAGEMENT BRANCH)
NAME OF THE RESPONDENT(S) : SRI MAHARAJA OIL IMPORTS & EXPORTS INDIA
PVT LTD
UNDER SECTION : OF INSOLVENCY & BANKRUPTACY CODE 2016

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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1)	P. Elaya Kumar V.M. KARTHIK. (Financial Creditor).	for Prandigan Associates	V.M. Karthik
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2)	P.H. ARVINDH PANDIAN FOR S.V. PRAVIN RATHINAM (RESPONDENT)		
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IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, CHENNAI

CP/531 (IB)/CB/2017

Under Section 7 of the Insolvency And Bankruptcy Code
2016 R/W Rule 4 of the Insolvency and Bankruptcy
(Application to Adjudicating Authority) Rules, 2016

In the matter of

M/s. State Bank of India

Vs

M/s. Sri Maharaja Oil Imports and Exports India (P) Ltd.

Order delivered on 4th August, 2017

CORAM :

CH MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)
S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

For the Petitioner(s) : Counsel Ilayarajkumar
For the Respondent(s): Sr. Counsel Mr. P.H. Arvind Pandian

ORDER

Per: CH MOHD SHARIEF TARIQ, MEMBER (J)

1. This is an Application filed by the State Bank of India (hereinafter referred to as Financial Creditor) under Section 7 of the Insolvency And Bankruptcy Code 2016 r/w Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

Heard the Ld. Counsel for Financial Creditor and Ld. Sr. Counsel for the Corporate Debtor and perused the record.

2. The amount claimed by the Financial Creditor is to the tune of Rs.68,65,95,202.75p due as on 18.06.2017. The Financial Creditor submitted that the said money was advanced as loan to the Corporate Debtor and the Corporate Debtor defaulted in making payment of the same. Counsel for the Financial Creditor drew our attention towards the Director's report which is placed at page 274 of the typed set of Application wherein it is stated that the company incurred loss to the tune of Rs.362.60 Lakhs against profit of Rs.14.96 Lakhs in the previous year and it has been regretted by the Board to inform that the business operations of the company has come to an end. One more communication is placed on the file at page 126 which is a letter written by the Corporate Debtor acknowledging the debt due and payable by them. Another document is placed at page 76 of the typed set of Application which is a Demand Notice

dated 01.03.2017 under Section 13(2) of the SARFAESI Act, 2002 to the borrower to which the Corporate Debtor has replied vide letter dated 11.06.2017. In response to the same, the Financial Creditor has given reply informing the Corporate Debtor to repay the dues as stipulated in the Demand Notice dated 01.03.2017, and it was also informed that in case the Corporate Debtor commits default to make payment of the outstanding dues, then, recovery proceedings under Section 13(4) of the SARFAESI Act, 2002 will be initiated.

3. From above, it has been ascertained that there is default on the part of the Corporate Debtor. The Financial Creditor has fulfilled all the requirements of law and has also proposed the name of Interim Resolution Professional (IRP) after obtaining the written consent in Form-2. We are satisfied that Corporate Debtor committed default in making payment of the outstanding debt. Therefore, CP/531/(IB)/CB/2017 is admitted and we order the commencement of the Corporate Insolvency Resolution Process which

ordinarily shall get completed within 180 days, reckoning from the day this order is passed.

4. We appoint Mr. R. Raghavendran, as IRP as proposed by the Financial Creditor. There is no disciplinary proceedings pending against the IRP as evidenced from Form-2 and his name is reflected in IBBI website. The IRP is directed to take charge of the Respondent Corporate Debtor's management immediately. He is also directed to cause public announcement as prescribed under Section 15 of the I&B Code, 2016 within three days from the date the copy of this order is received, and call for submissions of claim in the manner as prescribed.

5. We declare the moratorium which shall have effect from the date of this Order till the completion of corporate insolvency resolution process, for the purposes referred to in Section 14 of the I&B Code, 2016. We order to prohibit all of the following, namely :

- (a) The institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
 - (b) Transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
 - (c) Any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);
 - (d) The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.
6. The supply of essential goods or services of the Corporate Debtor shall not be terminated or suspended or interrupted during moratorium period. The provisions of Sub-section (1) of Section 14 shall not

apply to such transactions, as notified by the Central Government.

7. The IRP shall comply with the provisions of Sections 13 (2), 15, 17 & 18 of the Code. The directors of the Corporate Debtor, its promoters or any person associated with the Management of the Corporate Debtor is expected to extend all assistance and cooperation to the IRP as stipulated under Section 19 and for discharging his functions under Section 20 of the I&B Code, 2016. Accordingly, the application is disposed of.

8. The Financial Creditor and the Registry are directed to send the copy of this Order to IRP so that he could take charge of the Corporate Debtor's assets etc. and make compliance with this Order as per the provisions of I&B Code, 2016.

9. The Registry is directed to communicate this Order to the Financial Creditor and the Corporate Debtor.

The address details of the IRP are as follows: -

Mr. R. Raghavendran
Regn No:(IBBI/IPA-001/IP-P00211/2017-18/10411)
Flat No.3, Dhruvatara Apartments,
No.241, Dr. Rajendra Prasad Road,
Tatabad, Coimbatore-641 012.
Email: ragavca@hotmail.com
Mobile No: 9363105841.

S. Vijayaraghavan

S. VIJAYARAGHAVAN
MEMBER (T)
PAM

CH. MOHD SHARIEF TARIQ
CH. MOHD SHARIEF TARIQ
MEMBER (J)