

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH
CHENNAI

(28)

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 13/07/2017 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : TCP/347/ (IB)/2017
NAME OF THE PETITIONER(S) : KINTETSU WORLD EXPRESS INDIA PVT LTD
NAME OF THE RESPONDENT(S) : HYAGREEVA LINES PVT LTD
UNDER SECTION : 433 (e)(f)

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
REPRESENTATION BY WHOM			

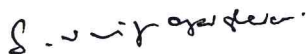
1. ROHITH RAGASEKARAN
vs.
Bejayaraj & Rajeshkumar
Madrass

Counsel for
Respondent

[Signature]

ORDER

Counsel for Petitioner present. Counsel for Respondent Corporate Debtor has produced an order that came to be passed on 29.07.2016 in CA No.22/2015 in CP No.69/2015 wherein the Hon'ble High Court of Madras has granted a stay on the appointment of Professional Liquidator. This shows that matter is sub judice before the Hon'ble High Court of Madras against the Corporate Debtor viz., M/s. Hyagreeva Lines Pvt. Ltd. The petition entered in diary No.0518/2016 has been transferred to this Bench which is against the same Corporate Debtor. The third proviso to Rule 5 of the transfer of pending proceedings, second amendment Rules, 2017 provides that if the petition for winding up of the Company is not transferred to the Tribunal under the Rule and it is in the Hon'ble High Court of Madras. There is another petition pending under Clause A of section 433 of the Act for winding up of the same Company as on 15.12.2016 and as such other petition also shall not be transferred to the Tribunal, even if the petition has not been served on the Respondent. In view of the above notification dated 29.06.2017, we return the petition to the Hon'ble High Court of Madras. The Registry of this Bench is directed to return this Petition to the Registry of the Hon'ble High Court of Madras for appropriate action at their end.



(S. VIJAYARAGHAVAN)
MEMBER (TECHNICAL)
ghk


(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)