

NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
CHENNAI

(18)

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 19/01/2018 AT 10.30 AM

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

APPLICATION NUMBER : CA/49/IB/2017
PETITION NUMBER : CP/565/ (IB)/CB/2017
NAME OF THE PETITIONER(S) : AIR CARNIVAL PVT LTD
NAME OF THE RESPONDENT : MURALI SUNDARAM
UNDER SECTION : 49 (2)

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

Jayanthi . K Shah

Counsel for
operational
creditor

[Signature]

V. Deepan Raj Krishna

Counsel for
corporate
debtor

[Signature]

ORDER

An application came to be filed by the Corporate Debtor which is numbered as CA/49/IB/2018 for setting aside *ex parte* proceeding. Counsel for the Applicant has submitted the arguments but he has not been able to establish that the Applicant was not aware about the filing and passing of the order in CP/565/IB/2017. But, during the course of arguments, Counsel for the Applicant has admitted the liability to the Operational Creditor and prayed that time be given for payment of the dues to the Operational Creditor. However, the IRP present in person submitted that 55 claims have been received amounting to Rs.8.65 crores.

Counsel for the Operational Creditor submitted that the Application filed by the Corporate Debtor for setting aside the *ex parte* order is nothing but for trailing the process of CIRP. The same does not carry any valid ground for setting aside the order dated 02.09.2017.

After perusal of the record, it appears that the Corporate Debtor has duly been served, therefore, the application is devoid of merits and is **rejected**.

-sd-
(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)

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