

(14)

NATIONAL COMPANY LAW TRIBUNAL
SINGLE BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 21/02/2018 AT 10.30 AM

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

APPLICATION NUMBER : CA/39/IB/2018
PETITION NUMBER : CP/511/IB/2017
NAME OF THE PETITIONER : V. NAGARAJAN
NAME OF THE RESPONDENT : K. SUBBURAJ & ANR
UNDER SECTION :

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

① R. Ashwaath

Counsel for Respondents
1 & 2



② R. SUBRAMANIAM

Counsel for
Applicant



ORDER

Counsel for RP present in CA/39/IB/2016 filed in CP/511/IB/2017 praying therein for direction to the Corporate Debtor for filing counter and providing required documents relating to the business of the Corporate Debtor. Further prayer has been made for handing over the certificates and records including boiler certificates pertaining to steam generators supplied by the Corporate Debtor to M/s. Meenakshi Energy Limited and the direction to R1 viz., Mr. K. Subburaj to attend the Arbitral Tribunal for deposing the facts relating to the claim filed by the Corporate Debtor before the Arbitral Tribunal.

Counsel for the Respondent has filed the reply on behalf of R1 and R2. The gist of the reply is that R1 viz., Mr. K. Subburaj, who has been serving as an Executive Chairman of the Corporate Debtor is incompetent to give evidence as he has not handled the project in question, alternatively, R1 has suggested the name of Mr.D.S. Prabhu Rajan stating therein that he can give the evidence before the Arbitral Tribunal on behalf of the Corporate Debtor, provided the expenses are paid and proper arrangement for flight ticket and accommodation is made. Mr. D.S. Prabhu Rajan has also written a letter in this regard to the Corporate Debtor on 14.02.2018. The Xerox copy of which submitted by the Counsel for R1 and R2 is directly handed over to the Counsel for the RP for his perusal and appropriate action under Law. It is for the RP to make arrangement for producing the relevant witnesses before the Arbitral Tribunal for which he is directed to take appropriate steps in accordance with Law. As to the

certificates which the Arbitral Tribunal has ordered to be produced in sealed cover, the RP has taken steps, but till date, he could not secure the possession of the certificates. The RP is at liberty to move an appropriate Application before the Arbitral Tribunal for seeking direction for production of the boiler certificates, against the person in whose custody the same are lying. As to the prayer of the RP for a direction to the Respondents for providing all information relating to the Corporate Debtor and its three subsidiaries is concerned, the Respondents are directed to hand over and make available all the records of the Corporate Debtor in proper form including electronic record, as may be required by the RP, his men, agents and representatives, as may be duly authorized. The RP is directed to make fresh communications to the Respondents for seeking the relevant information and records, which has not been made available.

R1 and R2 are directed to make compliance with this order and file compliance affidavit within two weeks. Put up on **09.03.2018 at 10.30 A.M.**

(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)

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