

NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH  
CHENNAI

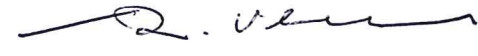
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ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 28/07/2017 AT 10.30 AM

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

APPLICATION NUMBER :  
PETITION NUMBER : TCP/247/ (IB)/2017  
NAME OF THE PETITIONER(S) : ARJUN CHEMICALS PVT LTD  
NAME OF THE RESPONDENT(S) : MSP PAPER MILL PVT LTD  
UNDER SECTION : 433 (e)(f)

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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	J. R. VENKATARAMAN	COUNSELL FOR PETNR.	
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IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH, CHENNAI

**TCP/247/(IB)/CB/2017**

Under Section 9 of the Insolvency and Bankruptcy Code  
2016 read with Rule 6 of the Insolvency and Bankruptcy  
(Application to Adjudicating Authority) Rules, 2016

In the matter of

**M/s. Arjun Chemicals Pvt. Ltd.**

**Vs.**

**M/s. MSP Paper Mill Pvt. Ltd.**

**Order delivered on 28<sup>th</sup> of July, 2017**

CORAM :

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

For the Petitioner(s) : Counsel Mr. R. Venkataraman

**ORDER**

Per: CH MOHD SHARIEF TARIQ, MEMBER (J)

1. Under adjudication is the Petition which originally came to be filed before Hon'ble High Court of Madras during 2013 and the same has been transferred to this Bench and renumbered as TCP 247/(IB)/CB/2017. The prayer made is to admit the application and to initiate the Corporate Insolvency Resolution Process under the Insolvency and Bankruptcy Code, 2016 (I&B

Code) by appointing an Interim Resolution Professional (IRP).

2. Heard the Counsel appearing on behalf of the Operational Creditor and perused the Petition along with the documents placed on record. As seen from Order dated 20.7.2017, Mr. Abishek Raman has caused appearance on behalf of Respondent and prayed for time to seek instructions from Corporate Debtor. However, today, when the matter is called, there is no representation on behalf of Respondent. It is also on record that vide Order dated 11.7.2017, the Respondent was proceeded *exparte*.

3. The Petitioner claims that the Corporate Debtor has not paid the outstanding debt to the tune of Rs.12,31,581/- which was due on 2.11.2012. The same is on account of the supply of the paper chemicals to the Corporate Debtor. It is also on record that the Corporate Debtor has caused appearance before Hon'ble High Court of Madras and did agree to pay Rs.15 Lakhs as per the direction of the High Court.

Pursuant to which, a Demand Draft to the tune of Rs.5 Lakhs was paid but rest of the outstanding debt along with interest has not been paid.

4. The Affidavit has been filed in compliance with the provisions of Section 9 (3) (b) of the I&B Code, 2016 stating therein that the Corporate Debtor has not given any notice in relation to any dispute pertaining to the unpaid operational debt. The Counsel submitted that four cheques dated 24.9.2011, 29.9.2011, 7.10.2011 and 2.11.2011 were issued by the Corporate Debtor which got bounced. Based on this, the Counsel submits that the same may be treated as an evidence that Corporate Debtor has not made payments of the outstanding debt because the Banker did not issue the required certificate. The Petitioner has fulfilled the requirement of law for admission of the Petition. The Operational Creditor has proposed IRP after seeking a written communication in Form-2. Therefore, TCP/247/(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.

5. We appoint Mr. Venkataramanarao Nagarajan, as IRP as proposed by the Operational Creditor. There is no disciplinary proceedings pending against the IRP 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.

6. 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.

7. 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.

8. 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 admitted.

9. The Petitioner 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.

10. The Registry is directed to communicate this Order to the Operational Creditor and the Corporate Debtor. The address details of the IRP are as follows: -

Mr. Venkataramanarao Nagarajan,  
Regn No:(IBBI/IPA-002/IP-N00055/2016-17/10107)  
New No. 29, Kavarai Street,  
West Mambalam,  
Chennai – 600 033  
Tamilnadu  
Email: [csnagarajan@gmail.com](mailto:csnagarajan@gmail.com)  
Mobile No: 9940111058.

  
**S. VIJAYARAGHAVAN**  
MEMBER (T)  
PAM

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