

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH, AT HYDERABAD**

**CP(IB) No. 16/07/HDB/2017**

**Date of Order: 20.02.2017**

**Between:**

**CERTIFIED TO BE TRUE COPY  
OF THE ORIGINAL**

M/s. Indian Bank,  
66, Rajaji Salai, Royapettah,  
Chennai-600 014,  
Tamilnadu.

..... Financial Creditor

**AND**

Kamineni Steel And Power India Private Limited,  
Kamineni, 4th Floor, King Koti,  
Hyderabad-500 001, Telangana.

..... Corporate Debtor

Counsel for the Petitioner :

Shri V. K. Sajith

Counsel for Respondent :

Shri E Ajay Reddy &

Shri K. Ravi Kumar Chary

**CORAM:**

Hon'ble Mr. Rajeswara Rao Vittanala, Member (Judicial)

Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)



**ORDER**

**(As per Rajeswara Rao Vittanala, Member (Judicial))**

1. The Insolvency and Bankruptcy Petition was filed by Indian Bank (Financial Creditor) to initiate Corporate Insolvency Resolution Process Under section 7 of the Insolvency and Bankruptcy Code, 2016 read with Rule 4 of Insolvency and Bankruptcy (Application to Adjudicating



Authority) Rules, 2016 to initiate Corporate Insolvency Resolution Process.

2. It is stated that Indian Bank along with other banks granted loans to Kamineni Steel and Power India Private Limited as follows:-

S.No	Name of the Bank	Limit (Rs. In Crores)		
		Term Loans	WC FB & NFB	Total
1	Indian Bank	333.77	103.64	437.41
2	Oriental Bank of Commerce	178.94	58.94	237.88
3	Karur Vysya Bank / JM Financial	133.65	68.52	202.17
4	Allahabad Bank	106.08	39.33	145.41
5	Indian Overseas Bank	212.16	78.78	290.94
6	Central Bank of India	156.16	57.62	213.78
7	Andhra Bank	202.89	68.54	271.43
8	Bank of Maharashtra	87.74	29.63	117.37
	TOTAL	1411.39	505.00	1916.39



However, Kamineni Steel and Power India Private Limited failed to pay the loan extended by the above said Banks and committed a default. The total default of the bank is Rs.335,32,10,602.10 (Rupees Three Hundred and Thirty Five Crores Thirty Two Lakhs Ten Thousand



Six Hundred and Two Rupees Ten Paisa) together with future interest and costs from 31.01.2017 till the date of payment.

3. Heard Sh.V.K.Sajith, Learned Counsel for Financial Creditor and Sh. E.Ajay Reddy along with Sh.K.Ravi Kumar Chary, Learned Counsels for the Corporate Debtor.
4. The Learned Counsel for Corporate Debtor submits that he has filed CP(IB) No.11/10/HDB/2017 under Section 10 of the Insolvency and Bankruptcy Code, 2016 read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 by interalia seeking to initiate Corporate Insolvency Resolution Process in respect of Kamineni Steel and Power India Private Limited.
5. Kamineni Steel and Power India Private Limited filed a memo dated 17.02.2017 stating that the Hon'ble Tribunal has passed an Order under Section 13(1)(a) for the purposes mentioned in Section 14 and appointed Mr. Chodavarapu Bala Mouli, as an Interim Resolution Professional (IRP). Thus, the Corporate Insolvency Resolution Process commenced with effect from 10.02.2017. In pursuant to the above order, the IRP has already made public announcement in Form A in newspapers viz., the Hindu and Saakshi on 16.02.2017 and the public announcement was also displayed on Insolvency and Bankruptcy Board of India (IBBI) website, calling for submission of claims from all creditors including employees





and workmen etc by fixing time limit as 24.02.2017. Hence, the present petition is not maintainable and liable to be dismissed.

6. The Learned Counsel for Corporate Debtor further submitted that the Company has also served a copy of NCLT order dated 10.02.2017 to Branch Manager and as well as to Chief Manager/Authorized Officer, Indian Bank, main Branch, Surabhi Arcade, koti, Hyderabad, vide letter dated 13.02.2017 against their acknowledgement dated 16.02.2017. Hence, the Hon'ble Tribunal may not admit the petition made by Indian Bank under Section 7 of IBC as the Corporate Insolvency Resolution Process (CIRP) was already initiated by IRP.

7. The Learned Counsel for Corporate Debtor also submitted that the Indian Bank is one among the Eight member banks of the consortium and also the leader bank with a share of about 20% of the total debt of the eight lenders (viz., Indian Bank, Oriental Bank of Commerce, Allahabad Bank, Indian Overseas Bank, Central Bank of India, Andhra Bank, Bank of Maharashtra and Karur Vysya Bank/JM Financial Asset Reconstruction Company Private Limited) and the Indian Bank is part and parcel under the present Corporate Insolvency Resolution Process (CIRP)



8. Today the Learned Counsel for Financial Creditor has filed a memo dated 20.02.2017 by inter-alia stating that it has come to the knowledge of the Financial Creditor that on 06.02.2017 the Corporate Debtor has



filed an application vide CP(IB)No.11/10/HDB/2017 under section 10 of the Code, to initiate Corporate Insolvency Resolution Process against the Corporate Debtor and Hon'ble Tribunal after hearing the matter was pleased to admit the same on 10.02.2017 and further passed an Order under section 13(1)(a) declaring moratorium period in accordance with section 14 of the Code.

9. The Learned Counsel for Financial Creditor further submits that in view of Hon'ble Tribunal's order dated 10.02.2017 declared moratorium period under section 14 of the Code, which prohibits institution of any kind of proceeding against the Corporate Debtor, the Financial Creditor seeks the permission of Hon'ble Tribunal to withdraw the captioned Application under Rule 8 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.



10. In view of that CP(IB) No. 16/07/HDB/2017 is dismissed as withdrawn.

No order as to costs.

Sd/-  
RAVIKUMAR DURASAMY  
MEMBER (T)

Sd/-  
RAJESWARA RAO VITTANALA  
MEMBER (J)

V. Annapoorna  
V. ANNA POORNA  
Asst. DIRECTOR  
NCLT, HYDERABAD - 68