

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 884 of 2019

IN THE MATTER OF:

P.V. Krishnaprasad & Anr.

...Appellants

Versus

Mr. J. Manivannan

...Respondent

Present:

**For Appellant : Mr. Parthiv K. Goswami and Mr. Ishan Bisht,
 Advocates**

O R D E R

03.09.2019 This appeal has been preferred by the Appellant after the delay of 6 days from the date of receipt of the certified copy of the impugned order dated 9th July, 2019.

Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 6 days in preferring the appeal is condoned. I.A. No. 2695 of 2019 stands disposed of.

The ‘Corporate Insolvency Resolution Process’ was initiated against ‘M/s. Thiripura Chits Private Limited’. During the ‘Corporate Insolvency Resolution Process’, the ‘Interim Resolution Professional’ made publication and constituted the ‘Committee of Creditors’. However, in absence of ‘Resolution Plan’, an application was moved for ‘Liquidation’. At that stage, the Appellants – ‘Mr. P.V. Krishnaprasad’ and ‘Mr. Sumana’ (Promoters of ‘Corporate Debtor’) filed an application under Section 60(5) of the ‘I&B Code’ for exempting the entire ‘Corporate Insolvency Resolution Process’ period of the ‘Corporate Debtor’. They

further prayed to direct the 'IRP' to make fresh public announcements in the State of Karnataka, Maharashtra, Telangana and Andhra Pradesh and thereby reconstitute the 'Committee of Creditors'. The 'Resolution Professional' in its reply informed that the depositors, as claimed by the Appellants were not going to be benefited in any way if the total period of 'Corporate Insolvency Resolution Process' is excluded for the purpose of counting 270 days. The Adjudicating Authority (National Company Law Tribunal), Single Bench, Chennai having rejected the application of the Appellant (Promoter) by impugned order dated 9th July, 2019, this appeal has been preferred.

Learned counsel appearing on behalf of the Appellant submits that the company expanded in different States like 'Karnataka', 'Kerala', 'Tamil Nadu' and 'Andhra Pradesh' but advertisement was published for calling claims only from 'Chennai region'. This will create problem with regard to the rest of the creditors who are situated in other States and the said Resolution Process, the request was made to restart the 'Corporate Insolvency Resolution Process' by excluding the total period. However, it is accepted that in absence of any 'Resolution Applicant' till date, the Adjudicating Authority has ordered for 'Liquidation'.

In the present case, even if it is accepted that all the creditors were not informed and there is no 'Resolution Plan', we find no ground has been made out for exclusion of any period. The order of 'Liquidation' has been passed. The 'Liquidator' is now required to 'collate the claims' and 'verify the claims' of all the creditors under Section 35; required to access information under Section 37; consolidate the claims in terms of Section 38; verify the claims under Section 39 and thereafter admit or reject the claims under Section 40 of the I&B Code.

For the said reason, if so required, the 'Liquidator' may publish advertisements in all Newspapers covering 'Southern Region'. In such matter all the creditor's interest will be safeguarded.

For the said reasons, we are not inclined to interfere with the impugned order dated 9th July, 2019. The appeal is dismissed. No costs.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/gc