

NATIONAL COMPANY LAW APPELLATE TRIBUNAL AT CHENNAI
(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (INS) No. 52 of 2022
(Under Section 61 of Insolvency and Bankruptcy Code, 2016)
Arising out of the Impugned Order dated 26.11.2021 in
IA(IBC)/1084/CHE/2021 in IBA/471/2019)
passed by the Adjudicating Authority,
National Company Law Tribunal, Division Bench-I, Chennai)

In the matter of:

Mr. S. Amarendran
Resolution Professional M/s. Sabari Realtors Private Ltd
AVS VILLA, HIG 428, Marutham Nagar,
TNHB Phase -3 Sholinganallur **...Appellant**

Vs

..

IA No. 102 of 2022 in Comp App (AT) (CH) (INS) No. 52 of 2022

In the matter of:

Mr. S. Amarendran
Resolution Professional M/s.Sabari Realtors Private Ltd
AVS VILLA, HIG 428, Marutham Nagar,
TNHB Phase -3 Sholinganallur **...Appellant**

Vs

..

Present:

For Appellant : Mr. Kaushik N. Sharma,
Advocate for RP
KSN Law Chambers

ORDER
(VIRTUAL MODE)

15.03.2022 Heard Mr. Kaushik N. Sharma, Learned Counsel appearing for the ‘Applicant’/‘Appellant’ in IA/217/2022 in Company Appeal (AT) (CH) (INS) No.52 of 2022.

The Learned Counsel for the ‘Applicant’/‘Appellant’ informs this ‘Tribunal’ that the ‘Adjudicating Authority’ (National Company Law Tribunal, Chennai Bench) had directed the ‘Insolvency Bankruptcy Board of India’ to investigate and file the report and pursuant to the direction issued by this ‘Tribunal’ on 03.03.2022 to the ‘Applicant’/‘Appellant’ to file an ‘Interlocutory Application’, the ‘Applicant’/‘Appellant’ has preferred IA/217/2022 in Company Appeal (AT) (CH) (INS) No.52 of 2022 before this ‘Tribunal’ seeking to implead the ‘Insolvency Bankruptcy Board of India’ as a necessary party to the instant Company Appeal (AT) (CH) (INS) No.52 of 2022.

Considering the fact that the ‘Applicant’/‘Appellant’ has preferred IA/217/2022 in Company Appeal (AT) (CH) (INS) No.52 of 2022 pursuant to the Order passed by this ‘Tribunal’ on 03.03.2022 and also this ‘Tribunal’ taking note of the fact that the ‘IBBI’ was directed by the ‘Adjudicating Authority’ [National Company Law Tribunal, Chennai Bench] to investigate and file report, in the interest of justice. This ‘Tribunal’ allows IA/217/2022 in Company Appeal (AT) (CH) (INS) No.52 of 2022, but without cost.

In fine the IA No.217 of 2022 is allowed. No costs.

Consequent to the allowing of IA/217/2022 in Company Appeal (AT) (CH) (INS) No.52 of 2022 passed by this ‘Tribunal’ today, the ‘IBBI’ is arrayed as the Respondent to the instant Company Appeal and further that the ‘Applicant’/‘Appellant’ is directed to carry out necessary correction in the ‘Memo of Parties’ of the Instant Company Appeal within one week from today, before the ‘Office of the Registry’, without fail.

The 'Appellant' is directed to take necessary steps for issuance of Notice to the newly added Party/IBBI through 'Speed Post' returnable by three weeks from today. Let the Requisites together with Process Fee be filed by the 'Appellant(s)' side within four working days from today. The 'Appellant(s)' shall provide the Mobile Number(s) and e-mail address of the Respondent(s). In the event of the Learned Counsel for the Appellant(s) providing the aforesaid details, then, the 'Office of the Registry' may issue notice to the Respondent(s).

The 'Office of the Registry' is directed to list the matter on **20.06.2022**.

[Justice M. Venugopal]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

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