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**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH-I, CHENNAI**

IA/148/CHE/2021 in CP(IB)/668/2017

*(filed under Section 74(3) r/w Section 60(5)
And Section 32-A of the Insolvency & Bankruptcy Code, 2016)*

In the matter of **Seelam Infra Developers Limited**

Seelam Infra Developers Limited

Having its registered office at
Shop No. 1.
16/26/1 Siddipet Road,
Ramayampet Medak
TG502101 IN

... Applicant

-VS-

- 1. Sub-Registrar,**
Indukurpet to Mypadu Road,
Indukurpet-524314
- 2. Joint Director / Officer in charge,**
Directorate of Enforcement,
Chennai Zonal Office,
2nd and 3rd Floor,
Murugesu Naicker Complex,
No. 84, Greaves Road,
Chennai - 600006
- 3. The Director.**
Enforcement Directorate,
Loknaya Bhavan, 6th Floor,
Khan Market, New Delhi 110 003
- 4. The Union Bank of India,**
having its Central Office at
Union Bank Bhavan, 239,
Vidhan Bhavan Marg,
Nariman Point, Mumbai-600021

And one of its Branches by name
Industrial Finance branch, Chennai
is situated at First Floor, 139, Broadway,
Chennai - 600028

Through its authorized representative

... Respondents

CORAM :

R. SUCHARITHA, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)

For Applicant : Mr. Ananth Merathia, Advocate

*For Respondents: Mr. Bhagavath Krishnan,
Advocate for R4,*

Order pronounced on 29th April, 2022

ORDER

Per: SAMEER KAKAR, MEMBER (TECHNICAL)

This IA/148/CHE/2021 has been filed by **Seelam Infra Developers Limited** against the Respondents viz., **(1) Sub-Registrar, Indukupet, (2) Joint Director / Officer in Charge, Department of Enforcement, Chennai Zonal Office, (3), The Director, Enforcement Directorate, (4) The Union Bank of India, Mumbai** with the following prayers.

- a. *To direct the Respondent Nos. 2 and 3 to cancel / withdraw the directions issued to Respondent No. 1 by the letter dated 18.09.2019, so that the encumbrance and charge created on the said Properties in favour of the 4th Respondent can be removed and further transaction(s) be permitted to be undertaken in respect of the said Properties, or in the alternate:*
- b. *To direct the Respondent No. 1 to allow removal of the encumbrances and charge created on the said Properties and allow further transactions with respect to the said Properties.*
- c. *Direct the Respondent No. 4 to cancel the mortgage deeds in respect of the said Properties and take steps for removal of the name of the Corporate Debtor from its list of wilful defaulters.*
- d. *In the alternative, if the above the Respondent No. 4 fails to comply with any direction passed under the aforesaid reliefs, this Hon'ble Tribunal may be pleased to:*

i. direct the Insolvency and Bankruptcy Board of India to initiate proceedings and file a complaint against the Respondent No. 4 with the Special Court constituted under Section 236 of the IBC for the offences committed by the Respondents under Section 74 of the IBC; and in this regard.

ii. Without prejudice to the foregoing, adjudge and declare that the Respondent No. 4 is in willful contempt of the Order of the Hon'ble NCLT dated 11.03.2019, and consequently initiate appropriate action and levy punishments against the Respondent No. 4 hereto; and in this regard,

e. pass any other such or further orders in the interest of justice in favour of the Applicant herein.

2. This Adjudicating Authority vide Order dated 11.03.2019 has approved the Resolution Plan submitted by the Applicant.

3. The Applicant submits that post making payments under the Resolution Plan, the Applicant began taking control of the properties/assets of the Corporate Debtor including attempting to get the encumbrances removed from the two immovable properties of the Corporate Debtor at Survey no. 761, of 0.20 & 0.28 acres respectively, at Leburu Bit-11 village, S. No. 761. Patta No. 216. Indukurpet village, Sub-registration Indukurpet Mandal, Nellore District. Andhra Pradesh. (collectively referred to as the "said Properties"). Furthermore, the Applicant along with the concerned officials of the Respondent No.4 visited the Office of the Respondent No.1 in Andhra Pradesh for cancellation of the mortgage deeds, which were executed and registered in favour of Respondent No.4.

4. Upon making a request for cancellation, the Respondent No.1, for the first time informed the Applicant that the transactions with respect to the said Properties were blocked on account of a Letter dated 18.09.2019 bearing ECIR No. CEZO/Z-1/01/2019 (RK), issued by the Respondent No. 2. As per the aforesaid letter, the Respondent No. 2 directed the Respondent No. 1 not to allow any further transactions with respect to the said Properties since there was an impending investigation in respect of the same. A true copy of the letter dated 18.09.2019 is annexed and marked as "Annexure - E" to the Application. The Applicant stands that investigation initiated by the Respondent No. 2 against the Corporate Debtor under ECIR No. CEZO/Z-1/01/2019 (RK) stems out of the FIR No. 21 of 2018, dated 16.10.2018 registered by the CBI. However, it may be noted that Respondent no. 2's letter dated 18.09.2019 to Respondent no. 1 was issued after the Applicant's Resolution Plan was duly approved by this Hon'ble Tribunal's Order dated 11.03.2019.

5. Various efforts were made by the Applicant to apprise the Respondent Nos. 2 & 3 regarding the approval of the Resolution Plan. However, no action was taken by R2-R3.

6. The grievance against R4 is after the approval the Resolution Plan, the officials of the Applicant were under bona fide belief that

the Corporate would have been removed from list of defaulters maintained by its creditors as well as any other such lists which are maintained by all the creditors. However, the Applicant, i.e., the successful Resolution and new management the Corporate Debtor came to know that the Corporate Debtor's name was still reflected in the wilful defaulters' list maintained by Respondent no. 4 and due to which the Applicant was unable to open bank account of Corporate Debtor in any bank, including in the Respondent No.4 bank itself. Thus, despite obtaining the approval of this Hon'ble Tribunal for the Resolution Plan, the Respondent No.4 and more specifically the KYC, Management and Anti-Money Laundering Departments of Respondent No.4 have not removed the CIN details and PAN number of the Corporate Debtor from the wilful defaulters' list.

7. The Respondent No.1 has filed an Affidavit vide SR.No.2730 on 13.07.2021 under para 3 of the said Affidavit, it is stated that 1st Respondent received a Letter dated 28.04.2021 vide ECIR NO.CEZO/Z-1/01/2019 from the Assistant Director, Office of the Joint Director, Directorate of Enforcement, Chennai Zonal Office that they had no objection in allowing further transactions in respect of the below mentioned two Documents.

SURVEY No	AREA OF THE PROPERTY	DOCUMENT & DATE	PURCHASER
761	0.20 Acres	1337/2012 dated 07.08.2012	Star Agro Marine Exports P. Ltd
761	2.8 Acres	305/2014 dated 04.03.2014	

8. As per the said request Letter dated 28.04.2021 the 1st Respondent sent Letter dated 03.05.2021 vide No. 58/2021 to the District Registrar, Guduru Registration District requesting for removal of the entries made on 23.09.2019 in Prohibited List of the CCA relating to the above said Ac. 3-00 Cents in Sy No. 761 of Leburu-II, Devispeta Village.

9. Thus, the 1st Respondent got removal of the entries made on 23.09.2019 in Prohibited List of the CCA relating to the above said Ac.3-00 Cents in Sy No. 761 of Leburu -II Devispeta Village. R4 further states that "this office removed the said extent from the prohibition list as per the directions of Directorate of Enforcement". In view of the averments made in the Affidavit, in our view nothing survives against R1 to R3 under present Application.

10. As regards R4, the Counter has been filed under SR.No.5237 dated 22.11.2021. It is submitted that necessary steps were taken by Respondent Bank as regards removal of the name of the Corporate Debtor from the wilful defaulters list. R4 has submitted that the wilful defaulters list on November 2021 and it is stated

that the name of the Corporate Debtor is removed from the defaulters list. The Respondent further states that the delay if any, was due to ongoing pandemic and that as early as 23.07.2020. The steps were taken by R4 to remove the name of the Corporate Debtor from the wilful defaulters list.

11. We have perused the documents filed by the Respondents and we are of the view that R1 to R3 that there is nothing remaining against R1 to R3. As regards R4, we have perused the counter filed by R4 along with which the list of defaulters as on 30.09.2021 which was provided from page Nos. 11 to 14.

12. The name of the Respondent is not reflected in the wilful defaulters list. Hence, in our view nothing survives in the IA and the same is **dismissed as infructuous**. No order as to costs.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)


-Sd-
R. SUCHARITHA
MEMBER (JUDICIAL)