

304

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

**MA/680/2019 in CP/18/IB/2018**

*(Filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with  
Regulation 33 & 34 of IBBI (Insolvency Resolution Process for Corporate  
Persons) Regulations, 2016)*

*In the matter of Deleo Construction Pvt. Ltd.*

**Pathukasahasram Raghunathan Raman**

Liquidator of M/s. Deleo Construction Pvt. Ltd.

Flat – C, Ground Floor, Srishas Kamalam Apartment,

#93, Sivan Koil South Street, Vadapalani,

Chennai – 600 026

.. .. . Applicant

-Versus-

**1. Ashok Swami**

Chief Manager,

Kotak Mahindra Bank Limited

5<sup>th</sup> Floor, Samson Tower,

402L, Pantheon Road, Egmore,

Chennai – 600 008

**2. P.B. Radhakrishnan,**

Old No.8, New No.15, Poes Road,

2<sup>nd</sup> Street, Vanniya Teynampet,

Chennai – 600 018

.. .. . Respondents / Committee of Creditors

Present:

For Applicant : P.R. Raman, Liquidator

For Respondent : None present

CORAM:

**SANJIV JAIN, MEMBER (JUDICIAL)**

**VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)**

*Order Pronounced on 12<sup>th</sup> December 2023*

## ORDER

*(Heard through Video Conferencing)*

MA/680/2019 is an application filed by the Applicant under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Regulation 33 & 34 of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016) seeking relief as follows:

*For the reasons stated above it is therefore humbly prayed that this Hon'ble Tribunal may be pleased to direct the CoC members to pay the CIRP cost of the Corporate Debtor amounting to Rs.12,32,000/- (Rupees Twelve Lakh Thirty Two Thousand Only) incurred by the undersigned RP and pass such further or other orders as this Hon'ble Tribunal deem fit & proper and thus render justice.*

2. The Applicant / Liquidator has filed the present Application seeking thereof to pay the CIRP costs of the Corporate Debtor amounting to Rs.12,32,000/- jointly by the Respondents. This Tribunal vide its order dated 25.07.2023 observed as follows;

*Ld. Liquidator Mr. P.R Raman is present in person through video conferencing mode.*

*None appears for Respondent No.2*

*This Application has been filed to direct the CoC members to pay the CIRP Cost of the Corporate Debtor amounting to Rs.12,32,000/- (Rupees Twelve Lakh Thirty Two Thousand only) incurred by the RP/Liquidator.*

*Vide order dated 15.11.2019, after hearing the Liquidator and Counsel for Respondent No.1, whereby the Counsel for Respondent No.1 had admitted that a sum of Rs.8,21,211/- would be paid by R1 and remitted to the account of the Liquidator, Respondent No.1 was relieved. However, it was observed that a sum of Rs.3,26,110.40/- is to be paid by Respondent*

No.2 towards 26.47% share of total expenses. Last chance was given to the Respondent No.2 being a part of CoC to remit the said sum within a period of 2 weeks.

It was also directed that non-compliance would result into consequences as envisaged under Section 425 of the Companies Act, 2013.

Despite having been given number of opportunities, the Respondent No.2 till date has paid Rs.1,50,000/- to the Liquidator/Applicant. Still a balance of Rs.1,76,000/- is required to be paid.

**Respondent No.2 is given last chance to pay the amount within a period of 7 days from the date of order, failing which warrant attachment will be issued against the Respondent No.2 for recovery of the amount and remittance to Applicant/Liquidator.**

The Liquidator/Applicant is directed to serve copy of this order on the Respondent No.2 and file affidavit of service before the next date of hearing.

Compliance memo if, any, be filed by the Respondent No.2 List the matter for compliance on 31.08.2023.

3. In spite of the order dated 25.07.2023, the 2<sup>nd</sup> Respondent has not paid the balance amount of Rs.1,76,000/- to the Applicant. It appears that the 2<sup>nd</sup> Respondent has scant regard to the orders passed by this Tribunal. Thus in terms of the order dated 25.07.2023 we are constrained to issue an order of attachment as against the 2<sup>nd</sup> Respondent, which is appended as Annexure – A to this order.

4. With the above said directions, this MA/680/2019 stands disposed of.

-sd-

**VENKATARAMAN SUBRAMANIAM**  
MEMBER (TECHNICAL)

-sd-

**SANJIV JAIN**  
MEMBER (JUDICIAL)

WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY

IN EXECUTION OF DECREE FOR MONEY

(UNDER ORDER XXI RULE 30 OF THE CODE OF CIVIL  
PROCEDURE R/W SECTION 424 OF THE COMPANIES ACT, 2013)

*In the matter of: M/s Deleo Construction Private Limited*

To  
The District Collector,  
4<sup>th</sup> Floor, M. Singaravelar Maaligai  
62, Rajaji Salai, Chennai Collectorate,  
Chennai – 600 001

Whereas one **Mr. P.B. Radhakrishnan** (2<sup>nd</sup> Respondent in the above applications) residing at Old No.8, New No.15, Poes Road, 2<sup>nd</sup> Street, Vanniya Teynampet, Chennai – 600 018, was directed to pay a sum of Rs.1,76,000/- (Rupees One Lakh and Seventy Six thousand only) by this Tribunal vide order dated 25.07.2023.

Inspite of the directions, passed by this Tribunal, the said sum has not been paid by **Mr. P.B. Radhakrishnan**.


These are to command you to attach the movable/immovable property of the **Mr. P.B. Radhakrishnan** which shall be pointed out to you by the Liquidator of M/s. Deleo Constructions Private Limited viz. P.R. Raman (Mobile No.9841026621), unless the said **Mr. P.B.**

Radhakrishnan pays to you the said sum of Rs.1,76,000/-. The said sum shall be deposited in the account of M/s. Deleo Constructions Private Limited, the details of which shall be provided by the Applicant.

The receipt of the same shall be deposited in the Registry of NCLT Chennai Bench.

You are further commanded to return this warrant on or before 15 days from the date of execution with an endorsement certifying the day on which and the manner in which it has been executed or why it has not been executed.

Given under my hand and seal of the court on this 12<sup>th</sup> day of December 2023



(DEPUTY REGISTRAR)  
NCLT, CHENNAI BENCH

