

**NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH (COURT-I)  
CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH,  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON **26.07.2021 at 10.30 A.M**  
THROUGH VIDEO CONFERENCING

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**PRESENT: SMT. R.SUCHARITHA, MEMBER (JUDICIAL)  
SHRI. ANIL KUMAR B, MEMBER (TECHNICAL)**

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IA/MA/IBA/TCP/TCA/CP/CA No : IBA/142/2020  
NAME OF PETITIONER : CML Infrastructure Pvt Ltd & 3 Ors  
NAME OF RESPONDENT : Chordia Tyre Services Private Ltd  
SECTION : Sec 7 of IBC 2016

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**ORDER**

The Petitioner is represented by Ld. Counsel Mr. Sarath Babu through video conferencing mode. None present for the Respondent.

This Application was filed on 16.12.2019. Thereafter, when the matter was taken up for hearing on 14.10.2020, in respect of maintainability of this Application, a question was raised by this Tribunal as to how the claim is within the period of limitation since the claim by the Petitioner is barred by limitation. Ld. Counsel for the Petitioner sought time to clarify the same, on that circumstance, this matter was adjourned to 20.10.2020. When the matter came up for hearing on 20.10.2020, the Petitioner was unable to satisfy the Adjudicating Authority on the question of limitation.

Further, at the request of the Ld. Counsel for the Petitioner, the matter was further adjourned to 02.12.2020; on that day, there was no representation from both sides. Hence, this matter was further adjourned to 25.01.2021. Ld. Counsel Mr. Sarath Babu appeared and again sought for time against the Order of this Tribunal dated 20.10.2020 to satisfy this Adjudicating Authority on the question of limitation. Hence, at that point of time also, the matter was adjourned to 19.02.2021.

Instead of satisfying the Adjudicating Authority in relation to limitation, the Ld. Counsel for Petitioner placed similar request like "*seeks time to comply*". On the ground of limitation, the matter was further adjourned to 31.03.2021. On that day also, the Ld. Counsel for the Petitioner represented that, he was not ready with the matter and hence sought adjournment to 29.04.2021 to satisfy the Adjudicating Authority in relation to limitation.

On the ground limitation, again, this matter was taken up for hearing on 23.07.2021 but due to administrative exigencies, the matter stood adjourned to 26.07.2021.



When the matter taken up for hearing today i.e., 26.07.2021 in respect of the limitation, the Ld. Counsel for Petitioner represented that he needs time to file additional documents to satisfy this Adjudicating Authority on the question of limitation.

Even though this Tribunal has given enough opportunities to the Ld. Counsel for the Petitioner to clarify/satisfy that "the claim is within the period of limitation", the Ld Counsel for the Petitioner is unable to satisfy the same and moreover this case is moving in this Tribunal for more than one and half years.

Further, the Ld. Counsel for the Petitioner has not come up at any point of time to file additional documents to satisfy the Adjudicating Authority on the question of maintainability of this Application.

In the light of the above, this Tribunal has come to declare that this Application **stands dismissed, however no costs.**

-sd-  
(ANIL KUMAR B)  
MEMBER (TECHNICAL)

-sd-  
(R. SUCHARITHA)  
MEMBER (JUDICIAL)