

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH – II (SPECIAL BENCH)
CHENNAI

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ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD AT 11.30 AM ON 07/01/2020

PRESENT: SHRI B.S.V. PRAKASH KUMAR, ACTING PRESIDENT
SHRI S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

APPLICATION NUMBER : MA/1388/2019

PETITION NUMBER : IBA/760/2019

NAME OF THE PETITIONER(S) : NAGALINGAM MUTHIAH (RP)
(SRI VISHNU ANNAMALAIYAR PAPER MILLS LTD)

NAME OF THE RESPONDENT(S) : GURUSAMY SARAVANAN & 1 ANOTHER

UNDER SECTION : 19(2) OF IBC

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
REPRESENTATION BY WHOM			

1. A. C. Sathyanarayana For Applicant A. C. Sathyanarayana
2. CHIRAG GUPTA For Respondent Chirag

ORDER

On hearing Section 19(2) application filed by the IRP seeking co-operation from the promoter-directors, i.e., on 31.12.2019, this Bench passed an order directing 1st Respondent (promoter director of the company) to provide all hard copies of the company documents to the IRP within three days hereof, but till date, it seems that 1st Respondent has not provided all those documents to the IRP. When we have asked the IRP as to what material was not supplied by the promoter-directors, he has replied that tally back-up and bank statements have not yet been provided.

On hearing the statement of 1st Respondent counsel stating that its employee has stolen the laptop of the Corporate Debtor, it appears that it could be understood that the tally back-up could be stolen by somebody else. As to bank statements are concerned, there won't be any difficulty for these promoter-directors to provide bank statements by taking a copy from the bank but that has also not been done. However, in order to provide tally backup, it could be reconstructed by these promoter-directors with the vouchers, receipts and other hard copies available with him.

When we are about to conclude this order, these promoter-director i.e. the 1st Respondent counsel has further stated that he would provide all the documents within three days to the IRP.

In view of the same, this Bench hereby directs this 1st Respondent to provide all the documents aforesaid within three days hereof, failing which, this Applicant is at liberty to take the assistance of Superintendent of Police (Rural), Coimbatore District to retrieve all those documents from this Respondent as stated under Section 429 of the Companies Act, 2013.

Accordingly, this MA/1388/2019 is hereby **disposed of**.

SD
(S.VIJAYARAGHAVAN)
Member (Technical)

SD
(B.S.V.PRAKASH KUMAR)
Acting President