IN THE NATIONAL COMPANY LAW TRIBUNAL, DIVISION BENCH – II, CHENNAI

IA(IBC)/697(CHE)/2022 IN CP/666/IB/2017

(Filed under Section 35(1)(n) of the Insolvency and Bankruptcy Code, 2016 read with Regulation 44(2) of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016)

In the matter of ***M/s. Everon Castings Private Limited***

N. Sivachalam
Liquidator of
M/s. Everon Castings Private Limited

... Applicant / Liquidator

Order Pronounced on 14th July, 2022

CORAM:

JUSTICE (RETD.) S. RAMATHILAGAM,MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)

For Liquidator: Mr.V. Manivannan, Advocate

ORDER

***Per:* SAMEER KAKAR, MEMBER (TECHNICAL)**

The IA(IBC)/697(CHE)/2022 has been filed by the Liquidator under Section 35(1)(n) of the Insolvency and Bankruptcy Code, 2016 read with Regulation 44(2) of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, seeking relief as follows;

1. *To grant an extension of time to continue Liquidation process which ends on 21.06.2022 for further period of one year, i.e., till 21.06.2023, and*

2. *To pass such other orders as it deems fit in the above circumstances of the case and thus render justice.*

2. It can be seen from the records, this Tribunal had ordered Liquidation of the Corporate Debtor as early as 21.12.2018 and had consequently appointed the Applicant as the Liquidator. Thereafter, this Applicant had applied for extension of time of one year to continue liquidation process of the Corporate Debtor apart from exclusion of the lockdown period, and considering the circumstances then, this Tribunal had vide order dated 29.09.2021, had allowed extension till 21.12.2021 with a specific direction to not seek any further extension.

3. The Applicant had subsequently approached this Tribunal for extension of time for a further period of six months. Extension was granted vide order dated 10.01.2022 and the last date for completion of the Liquidation Process was fixed on 21.06.2022. It is stated that the process is not complete and hence this Application was filed on 14.06.2022.

4. As averred under the Application, certain Applications in relation to the Corporate Debtor which were pending before this Tribunal have come to an end and it can be also be seen from the 7th column of the Progress Report at page 65 of this Application the that process of sale of the assets of the Corporate Debtor has also

been completed and the proceeds is also stated to have been distributed in accordance with law. The Applicant finally submits that he seeks extension only for the recovery of receivables.

5. Lastly, it is brought to the notice of this Tribunal that the disposal of the Application (IA/278/2021) by the erstwhile Board of Directors of the Corporate Debtor by this Tribunal is pending adjudication on appeal before the Hon'ble NCLAT. As the said appeal impugns the sale of the Asset of the Corporate Debtor, it is necessary for the disposal of the Appeal.

6. Hence, this Adjudicating Authority feels that it is just and proper to extend the Liquidation period for a further period of **6 Months** and as such the Liquidation period of the Corporate Debtor is extended for a period of 6 months from the date of this Order and the Liquidation process in relation to the Corporate Debtor is required to be completed before the expiry of 6 months.

7. The Liquidator in view of the extension granted as above, is directed to abide by the model timelines as prescribed by IBBI in Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and thereby complete the process in all earnest and in accordance with the said Regulations including filing of reports as required, with this Tribunal. Further, the Liquidator shall

make every endeavour to complete the liquidation process within the extended period and not to seek any further extension.

8. With the above said directions, **IA(IBC)/697(CHE)/2022** stands **Allowed** in the above terms.

-Sd-

SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-

JUSTICE (RETD.) S. RAMATHILAGAM
MEMBER (JUDICIAL)

V. Shreekumar