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

IA/459/CHE/2021 in IBA/1121/2019

Nithiyantham Ramachandran,

Resolution Professional of M/s. Chowel India Private Ltd,
No. 3/716, Avin Nagar,
Surveyor Colony,
Madurai – 625 007

... Applicant

V/s

Sharda Motors Industries Ltd,

G-20, SIPCOT, Industrial Park,
Irungattukottai, Sriperumbudur Taluk,
Kanchipuram District – 602 105.

... Respondent

And

IA/415/CHE/2021 in IBA/1121/2019

Nithiyantham Ramachandran,

Resolution Professional of M/s. Chowel India Private Ltd,
No. 3/716, Avin Nagar,
Surveyor Colony,
Madurai – 625 007

... Applicant

V/s

S.K. Associates,

No.4, Ramamoorthy Garden,
Noombal Road, Vellappanchavadi,
Chennai.

... Respondent

And

IA/458/CHE/2021 in IBA/1121/2019

Nithiyantham Ramachandran,

Resolution Professional of M/s. Chowel India Private Ltd,
No. 3/716, Avin Nagar,
Surveyor Colony,
Madurai – 625 007

... Applicant

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V/s

Sri Stars CNC,
No.63/8, Time Star Complex,
TASS Industrial Estate,
SIDCO Industrial Estate,
Ambattur, Chennai – 600 098.

... Respondent

And

IA/422/CHE/2021 in IBA/1121/2019

Nithiyantham Ramachandran,
Resolution Professional of M/s. Chowel India Private Ltd,
No. 3/716, Avin Nagar,
Surveyor Colony,
Madurai – 625 007

... Applicant

V/s

SR Stamping Components,
S.No.236/5, Nayakuppam Main Road,
Mevalurkuppam Village,
Valarpuram Post,
Sriperumbudur Taluk – 602 105.

... Respondent

*(filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016
R/W Rule 11 of the NCLT Rules)*

In the matter of **Chowel India Pvt. Ltd.**

Order pronounced on **02/11/2021**

CORAM:

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

For Resolution Professional : Mr. A. G. Sathiyannarayana, Advocate
For Respondent : Mr. Karan Malhotra

COMMON ORDER

Per: SAMEER KAKAR, MEMBER (TECHNICAL)

IA/459/CHE/2021 in IBA/1121/2019 And IA/415/CHE/2021 in
IBA/1121/2019 And IA/458/CHE/2021 in IBA/1121/2019
And IA/422/CHE/2021 in IBA/1121/2019
Chowel India Pvt. Ltd

1. These IA's have been filed by the Resolution Professional of Chowel India Pvt. Ltd. u/s 60 (5) of the IBC, 2016.

2. The common relief sought in all the IA's is as under: -

"That the Adjudicating Authority issue suitable directions to the Respondent to pay the outstanding dues to the CD"

3. While going through the pleadings, it is noticed that the CIRP commenced on the Corporate Debtor vide order of this Bench dated 5th May, 2020 and the Applicant was appointed as the Interim Resolution Professional. The CoC confirmed the Applicant as the Resolution Professional in its meeting held on 21.7.2020.

4. The Applicant further states that while going through the Books of Accounts and the available records from the CD, the RP had a prima facie opinion based on the facts and circumstances that the following sum is pending from the running account of the CD from the various respondents: -

Sl. No.	Name of Respondents	Amount due (Rs)
1	Sharda Motors Industries Ltd	2,51,847.22
2	S.K.Associates	8,67,949.00
3	Sri Stars CNC	2,28,931.00

4	SR Stamping components	52,06,420.00
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5. The applicant had issued demand notice on the respondents for payments of the above amounts, however none of the respondents have paid and hence the RP has moved these applications before this Bench with the prayers as stated above. In all the 4 IA's, the RP has attached a copy of the ledger account of the respondents, however no invoices or confirmation of debt was attached.

6. Advocate appearing for the respondents Mr. Karan Malhotra states that as per the records of the respondents no such amount is due to the CD and as such the debts were disputed. Similar arguments were advanced by the advocates appearing for the other respondents.

7. Section 60 (5) of IBC, 2016 is reproduced below :-

"Notwithstanding anything to the contrary contained in any other law for the time being in force, the National Company Law Tribunal shall have jurisdiction to entertain or dispose of—

(a) any application or proceeding by or against the corporate debtor or corporate person;

(b) any claim made by or against the corporate debtor or corporate person, including claims by or against any of its subsidiaries situated in India; and

(c) any question of priorities or any question of law or facts, arising out of or in relation to the insolvency resolution or

liquidation proceedings of the corporate debtor or corporate person under this Code."

8. In our considered view, in case the RP is of the view that any debt is recoverable from the Respondents, then steps should be undertaken by the RP for recovery of the dues by filing Civil Suits or other remedies instead of approaching this Tribunal for issue of directions for recovery of the amounts due to the CD u/s 60 (5) of the IBC, 2016.

9. Accordingly, these IAs being **IA Nos. 459/CHE/2021; 415/CHE/2021; 458/CHE/2021 and 422/CHE/2021** are **dismissed**.

10. No order as to cost.

-Sd-

SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-

R. SUCHARITHA
MEMBER (JUDICIAL)