

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

IA/414/2021

IN

IBA/83/2020

(filed u/s 60 (5)(c) of the Insolvency and Bankruptcy Code, 2016)

M. Murugesan

Interim Resolution Professional of
M/s. Selathaar Tanning Industries Private Limited
Block C, 3 D Aishwaryam Apartments,
102/103, Barakka Road, Kilpauk,
Chennai – 600 010

... Applicant / Interim Resolution Professional

- Vs -

**1. Smt. Jamallur Razack Sakkira Banu &
Shri. Jamallur Razack Abdul Hakkim**

Suspended Directors of
M/s. Selathaar Tanning Industries Private Limited
No. 1C, Tangy, 34/4,
Dr. P.V. Cherian Crescent,
Egmore, Chennai – 600 008

Also at:

No. 17C, Door No. 10, Anaikar Complex,
M V Badran St, Periamet,
Chennai – 600 003

...1st Respondents / Suspended Directors

2. M/s. Amit Dye Chem

Rep. by its Proprietor
Mr. Aravind Kumar
No. 86, Govindappa Naicken Street,
Moti Complex,
Chennai – 600 001

...2nd Respondent / Operational Creditor





In the matter of **M/s. Selathaar Tanning Industries Private Limited**

M/s. Amit Dye Chem

Rep. by its Proprietor
Mr. Aravind Kumar
No. 86, Govindappa Naicken Street,
Moti Complex,
Chennai – 600 001

... Operational Creditor

- Vs -

M/s. Selathaar Tanning Industries Private Limited

[CIN: U9112TN2001PTC046879]
No.1C, TANGY, 34/4, Dr.P.V.
Cherian Crescent, Egmore,
Chennai – 600 008

...Corporate Debtor

Order Pronounced on 17th November, 2022.

CORAM:

DR. DEEPTI MUKESH, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)

For Applicant: S. Sathiyarayanan, *Advocate*
For Respondents: No representation

ORDER

Per: DR. DEEPTI MUKESH, MEMBER (JUDICIAL)

This is an application filed by the Interim Resolution Professional (hereinafter referred to as 'IRP') of the Corporate Debtor (M/s. Selathaar Tanning Industries Private Limited) under Section 60(5)(c) of the Insolvency and Bankruptcy Code 2016 (hereinafter referred to as the 'Code') seeking relief as follows:

- (a) The CIRP order dated 09-04-2021 against M/s. Selathaar Tanning Industries Private Limited, may be



withdrawn as the Operational Creditor is non-cooperative and has not complied with the orders of this Hon'ble Tribunal;

- (b) Initiate action against the Respondent 2/ Operational Creditor for dis-obedience and for not complying with the orders of this Hon'ble Tribunal;
- (c) Order the Respondent 2 / Operational Creditor to compensate the IRP for the 10 Days' time invested by him; and
- (d) Pass such other and further reliefs as this Hon'ble Tribunal may deem fit and appropriate and thus render justice.

2. It can be seen from the Master Data in the official website of the Ministry of Corporate Affairs that the Corporate Debtor having CIN: U19112TN2001PTC046879 was incorporated on 29.03.2001 and the registered office is at No.1C, Tangy, 34/4, Dr. P.V. Cherian Crescent, Egmore, Chennai - 600 008. The Authorised Capital appears to be Rs. 1,00,00,000/- (Rupees One Crore only) and the Paid-up Capital is Rs. 10,01,000/- (Rupees Ten Lakh One Thousand only). The two Directors of the Corporate Debtor were (i) Jamallur Razack Sakkira Banu having DIN: 06996441 and (ii) Jamallur Razack Abdul Hakkim having DIN: 06996447 and they have been arrayed together as Suspended Board at the 1st Respondent in the present Application.

3. It is submitted by the Applicant that this Tribunal vide order dated 09.04.2021 in *IBA/83/2020* had admitted an Application filed



under Section 9 of the Code and initiated Moratorium against the Corporate Debtor and commenced Corporate Insolvency Resolution Process.

4. It can also be seen that this Tribunal while allowing the Application under Section 9 of the Code, had directed Operational Creditor as under:

"The Operational Creditor shall deposit a sum of Rs.1,00,000/- with the IRP for initial expenses. The said amount shall be adjusted by CoC after constitution of the same, as required under the provisions of the Code to meet out the expenses to perform the functions assigned to IRP in accordance to Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016."

5. It is submitted by the Applicant that pursuant to his appointment which was communicated to him by e-mail dated 12.04.2021, he had made several attempts by way of E-mail, Cellphone, WhatsApp and even to meet the Operational Creditor in person and to pursue them to comply with the direction of the Tribunal. However, it is submitted by the Applicant that the Operational Creditor had neither responded to the Applicant's communication nor complied with the direction of the Tribunal. It is can also be seen that the Applicant had not proceeded with the



public announcement in Form A as mandated under the Regulations.

6. The Applicant submits that he had collated details of the Corporate Debtor from the MCA website and had further visited the Registered Office as reflected in the MCA website. It is submitted that on enquiry, the Applicant came to know that there is no such office in that said address since last 10 years and that it is a residential complex.

7. The Applicant further visited the alternate address of the Corporate Debtor at No. 17-C, Annaikar Complex, No. 10 Badran Street, Periamet, Chennai – 600 003. It is submitted by the Applicant that this address is taken from the GST records and upon visit, the said office was amongst a complex wherein several leather units were functioning, however, the Corporate Debtor was not available. It is further submitted that the Applicant had communicated to the E-mail ID of the Corporate Debtor as reflected in the MCA Website but there was no response.

8. It is submitted that the Applicant had visited the address of the Operational Creditor's shop at No. 86, Govindappa Naicken Street, 1st Floor, Moti Complex, Chennai - 600 001, however the shop was closed. The Applicant on enquiry had come to know that



the said shop of the Operational Creditor was closed for more than one year. The Applicant submits that due to the non co-operation of the Operational Creditor the Applicant is constrained to approach this Tribunal. This Application has been duly served on the Respondents and the Affidavit of Service has been taken on record.

9. We take note of the difficulty faced by the Applicant IRP in discharging his duties contemplated under the Code. The Applicant could not to make the Public Announcement in terms Regulation 6 of IBBI (CIRP) Regulations, 2016. The details of the business, registered office and records of the Corporate Debtor are also not traceable by the Applicant, as the Corporate Debtor never appeared before this Tribunal and was proceeded ex-parte.

10. As the Operational Creditor has not been responsive and compliant to the order of this Tribunal, this Tribunal vide order dated 06.01.2022 had directed the Operational Creditor as follows:

"Hence a cost of Rs.1,00,000/- is imposed on the part of the Operational Creditor to be paid to the Applicant/IRP and also a cost of Rs.15,000/- to be paid within ten days from today to "Prime Minister's National Relief Fund" and to file proof of the receipt of payment in the Registry before the next date of hearing. "

Perusal of record reveals that the above order has also not been complied by the Operational Creditor. The non – compliance



of the order passed by this Tribunal by the Operational Creditor is viewed seriously by this Tribunal.

11. Considering the above factual circumstance and the submissions made by the learned Counsel for the Applicant, it appears that post the order of admission, there has been no progress in the CIRP of Corporate Debtor. It further appears that the Operational Creditor is not interested in proceeding with the matter and has willfully disobeyed the order of this Tribunal. Thus, given the circumstances, this Tribunal deems it fit to allow this application as prayed for. The Applicant / IRP is relieved forthwith from his duties to act as IRP of the Corporate Debtor.

12. This Tribunal further issues the following directions to the Registrar of Companies, Chennai:

“(i) The Registrar of Companies, Chennai is hereby directed to call for information, inspect books and conduct inquiries in accordance with Chapter XIV of the Companies Act, 2013 in relation to M/s.Selathaar Tanning Industries Private Limited [CIN: U19112TN2001PTC046879] and its Directors and furnish a report within 3 months from this order.”

13. The registry is directed to send a copy of this order to the (i) Registrar of Companies, Chennai & (ii) The Insolvency and



Bankruptcy Board of India. Accordingly **IA(IBC)/414/CHE/2021** is allowed and stands **disposed of** on aforesaid terms.

14. Post this matter for compliance on 01.03.2023.

SAMEER KAKAR
MEMBER (TECHNICAL)

DR. DEEPTI MUKESH
MEMBER (JUDICIAL)

V.Shreekumar