

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

IA/1275/IB/2020

in

IBA/1099/2019

(Filed under Section 60(5) r/w 25(2)(b) of the Insolvency and Bankruptcy Code, 2016)

*In the matter of **Regen Powertech Private Limited***

Regen Powertech Private Limited,
Having its Registered Office at Sivanandam,
1st Floor, New No.1, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030
Represented by its Resolution Professional,
Mr. Ebenezar Inbaraj.

... Applicant

Vs.

WEG Industries (India) Private Limited,
Eshwari Arcade, No.250,
14th Main Road, 7th Sector,
HSR Layout, Bangalore,
Karnataka – 560 102.

... Respondent

Along with

IA/702(CHE)/2020

in

IA/1275/IB/2020 in IBA/1099/2019

(Filed under Rule 11 of National Company Law Tribunal Rules 2016)

WEG Industries (India) Private Limited
Eshwari Arcade, No.250,
14th Main Road, 7th Sector,
HSR Layout, Bangalore,
Karnataka – 560 102.

... Applicant

Vs.

Regen Powertech Private Limited,
Having its Registered Office at Sivanandam,
1st Floor, New No.1, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030
Represented by its Resolution Professional,
Mr. Ebenezar Inbaraj.

.... Respondents



And
IA/738(CHE)/2021
in
IBA/1424/2019

*(Filed under Section 25(1) r/w 60(5) of the Insolvency and Bankruptcy Code,
2016)*

*In the matter of **Regen Infrastructure Private Limited***

Ms.Renuka Devi Rangaswamy,
Resolution Professional of
Regen Infrastructure Private Limited,
No.9, Arthi Illam, 3rd Street,
Jothi nagar, Uppilipalayam,
Coimbatore – 641 015.

... Applicant

Vs.

1. Regen Powertech Private Limited,
Having its Registered Office at Sivanandam,
1st Floor, New No.1, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030
Represented by its Resolution Professional,
Mr. Ebenezar Inbaraj.

2. Mr.Madhusudan Khemka,
Suspended Director of
Regen Powertech Private Limited &
Regen Infrastructure Private Limited,
Y-202, Anna Nagar,
Chennai – 600 040,

3. Mr.Sundaresh Ramanathan,
Suspended Director of
Regen Powertech Private Limited &
Regen Infrastructure Private Limited,
3A 3B, Sarangapani Street,
Thyagaraya Nagar,
Chennai – 600 017.

.... Respondents



And

IA/1082(CHE)/2021 in IBA/1424/2019

(Filed under Section 25(1) r/w 60(5) of the Insolvency and Bankruptcy Code, 2016)

Ms.Renuka Devi Rangaswamy,
Resolution Professional of
Regen Infrastructure Private Limited,
No.9, Arthi Illam, 3rd Street,
Jothi nagar, Uppilipalayam,
Coimbatore – 641 015.

... Applicant

Vs.

1. Regen Powertech Private Limited,
Having its Registered Office at Sivanandam,
1st Floor, New No.1, Pulla Avenue,
Shenoy Nagar, Chennai – 600 030
Represented by its Resolution Professional,
Mr. Ebenezar Inbaraj.

2. Mr.Madhusudan Khemka,
Suspended Director of
Regen Powertech Private Limited &
Regen Infrastructure Private Limited,
Y-202, Anna Nagar,
Chennai – 600 040,

3. Mr.Sundaresh Ramanathan,
Suspended Director of
Regen Powertech Private Limited &
Regen Infrastructure Private Limited,
3A 3B, Sarangapani Street, Thyagaraya Nagar,
Chennai – 600 017.

... Respondents

Order Pronounced on 01st June 2022

CORAM:

JUSTICE (RETD) S.RAMATHILAGAM, MEMBER (JUDICIAL)
ANIL KUMAR B, MEMBER (TECHNICAL)

*For Applicant : Mr.S.Aravindan, Advocate;
Mr.Mr.E.Om Prakash, Sr. Advocate*

*For Respondent: Mr. J.Sivanandaraj, Advocate
Mr.B.Thilak Narayanan, Advocate
Mr.S.R.Raghunathan., Advocate*

ORDER

Per: JUSTICE (RETD) S.RAMATHILAGAM, MEMBER (JUDICIAL)

1. IA/1275/IB/2020

This Application is filed under Section 60(5) r/w 25(2)(b) of the Insolvency and Bankruptcy Code, 2016 by the Resolution Professional of the Corporate Debtor viz., Regen Power Tech Private Limited seeking reliefs as follows,

A) injunction restraining the Respondent, its agents, servants and any and all persons acting for and through them from manufacturing, repairing and supplying any and all products / parts of ReGen make WTGs in the Indian Subcontinent and / or violating the intellectual property and proprietary rights of the Applicant in any manner whatsoever;

B) Injunction restraining the Respondent, its agents, servants and any and all persons acting for and through it from contacting the customers, vendors and suppliers of the Applicant in any manner whatsoever for supply or sale of any and all products / parts for use in ReGen make WTGs;

C) direction, directing the Respondent to hand over to the Applicant any and all purchase orders, invoices, work orders etc. raised for the purpose of manufacture and supply of goods and services to third parties for use in ReGen make WTGs and

D) pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and interest of justice.

2. IA/702(CHE)/2021

This Application is filed under Filed under Rule 11 of National Company Law Tribunal Rules, 2016 by WEG Industries (India) Private Limited seeking to dismiss the application IA IA/1275/IB/2020 in IBA/1099/2019.



3. IA/738(CHE)/2021

This Application, is filed under Section 25(1) r/w 60(5) of the Insolvency and Bankruptcy Code, 2016 by the Resolution Professional of the Corporate Debtor viz., Regen Infrastructure Private Limited seeking reliefs as follows,

(i) To direct the Resolution Professional of the 1st Respondent to hand over the Demised Property (Leased Land admeasuring 2.40 acres in Revenue Survey No.553 at Mouje Khareda Village, Morbi Taluk, Rajkot District, Gujarat together with the Building thereon and RISPL owned 66/33 KV Khareda Sub-station with Plant and Machinery on such land) covered in Lease Deed dated 06.06.2017 and Registered as Document No. MRV 06626 of 2017 with the SRO, Morbi, Gujarat to enable RISPL continue with its business operations;

(ii) To direct the Resolution Professional of the 1st Respondent to raise the Invoices for the Lease Rentals for the period from 20.03.2017 and consequently, receive the Lease Rentals as per the Lease Deed dated 06.06.2017;

(iii) To pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.

4. IA/1082(CHE)/2021

This Application, is filed under Section 25(1) r/w 60(5) of the Insolvency and Bankruptcy Code, 2016 by the Resolution Professional of the Corporate Debtor viz., Regen Infrastructure Private Limited seeking reliefs as follows,

(a) To direct the Resolution Professional of the 1st Respondent not to terminate the Long Term Lease but hand over the Demised Properties covered in Lease Deeds dated 28.03.2017 and Registered as Document No.1447 of 2017 with the SRO, Chinnamannur, Theni District, Tamil Nadu to enable RISPL continue with its business operations.



(b) To direct the Resolution Professional of the 1st Respondent not to terminate the Long Term Lease but to hand over the Demised Properties covered in Lease Deed dated 05.06.2017 and Registered as Document No.354 of 2017 with the SRO, Maliya-Miyana, Morbi District, Gujarat to enable RISPL continue with its business operations.

c) To pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.

5. Heard the learned counsels appeared for the respective parties and perused the documents on record. Before parting with the case, we see that the CIRP was initiated against the Corporate Debtor in IBA/1099/2019, viz. Regen Powertech Private Limited on 09.12.2019 and Mr.Ebenezer Inbaraj was appointed as Resolution Professional. It is placed on record that Resolution Plan in respect of the said Corporate Debtor was approved by this Adjudicating Authority vide order dated 01.02.2022 in IA/460/2021 in IBA/1099/2019 and the approved plan is now in the implementation stage.

6. From the prayers of the applications (i) IA/738(CHE)/2021; (ii) IA/1082(CHE)/2021 it is noted that they sought directions against the Resolution Professional of Regen Powertech Private Limited (RPPL) and in application IA/1275/IB/2020 the Resolution Professional of RPPL sought injunction against one WEG Industries Private Limited, to not to infringe the Patent Right of RPPL and the application IA/702(CHE)/2021 was filed by WEG Industries Private Limited to dismiss IA/1275/IB/2020 filed by the Resolution

Professional of RPPL. However, this Adjudicating Authority has approved the Resolution Plan submitted in respect of Regen Powertech Private Limited on 01.02.2022, in the event of approval of the resolution plan all the prayers sought above turned infructuous and nothing survives in these applications.

7. In view of the above, the applications IA/1275/IB/2020; IA/702(CHE)/2021; IA/738(CHE)/2021; IA/1082(CHE)/2021 are **dismissed as infructuous.**

-Sd-

ANIL KUMAR B
MEMBER (TECHNICAL)

-Sd-

JUSTICE (RETD) S.RAMATHILAGAM
MEMBER (JUDICIAL)

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