

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH – II
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 08-11-2021 AT 10:30 A.M THROUGH
VIDEO CONFERENCING:

PRESENT: JUSTICE (RETD.) SMT. S. RAMATHILAGAM, MEMBER (JUDICIAL)
SHRI B. ANIL KUMAR, MEMBER (TECHNICAL))

APPLICATION NUMBER :
PETITION NUMBER : IBA/300/2020
NAME OF THE PETITIONER : State bank of India
NAME OF THE RESPONDENTS : Premier Distilleries Pvt Ltd
UNDER SECTION : Sec 7 Rule 4 of IBC, 2016

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APPLICATION NUMBER : IA/729/CHE/2021IN
PETITION NUMBER : IBA/300/2020
NAME OF THE PETITIONER : State bank of India
NAME OF THE RESPONDENTS : Premier Distilleries Pvt Ltd
UNDER SECTION : Sec 60(5) of iBC 2016

(1) IBA/300/2020

(2) IA/729/CHE/2021 IN IBA/300/2020

COMMON ORDER

Ld. Counsel Mr. K. Chandrasekaran for the Applicant and Ld. Counsel Mr. Chandramouli Prabhakar for the Respondent are present.

Heard both sides. The Applicant has filed a petition IBA/300/2020 stating that the date of default is 28.02.2017. However, in the Form-I in Part IV, Serial No.2 at Page 3 of the petition, the date of SARFAESI notice was mentioned as date of default due to inadvertence. The Counsel for the Applicant further states that unless the date of default as 28.02.2017 is not mentioned in Form-I, the Applicant will be put to irreparable loss and hardship. Hence, the Petitioner has sought permission to rectify the date of default as 28.02.2017 instead of 09.06.2017 in the relevant form for which the Respondent has filed the counter and the Applicant has sought time for filing rejoinder.

In the application under Section 7 of IBC, 2016, the particulars are to be furnished in the proforma exactly. This application itself is not maintainable when there is no specific date of default mentioned in the relevant form.

Hence, both the applications IBA/300/2020 & IA/729/CHE/2021 IN IBA/300/2020 stand **rejected** with liberty to the Applicant to file a fresh application by incorporating the exact date of default in the petition since it is the cause of action for the maintainability of the petition.

-Sd-

B. ANIL KUMAR
MEMBER (TECHNICAL)

-Sd-

Justice (Retd.) S. RAMATHILAGAM
MEMBER (JUDICIAL)