

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH - I
CHENNAI**

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH
NATIONAL COMPANY LAW TRIBUNAL, HELD AT ON 23.11.2021 at 10.30 AM
THROUGH VIDEO CONFERENCING**

**PRESENT: SMT. R. SUCHARITHA, MEMBER (JUDICIAL)
SHRI. SAMEER KAKAR, MEMBER (TECHNICAL)**

**APPLICATION NUMBER : IA/1004(CHE)/2021
IN**
PETITION NUMBER : IBA/155/2020
**NAME OF THE PETITIONER(S) : M Godindarajan (IRP)
M/s Karaipudur Common Effluent Treat Plant Pvt Ltd**
NAME OF THE RESPONDENTS : Eco Pure Technologies Pvt Ltd & Anr
UNDER SECTION : Sec 12A of IBC, 2016



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PRESENT: SMT. R. SUCHARITHA, MEMBER (JUDICIAL)
SHRI. SAMEER KAKAR, MEMBER (TECHNICAL)

APPLICATION NUMBER : IA/1091(CHE)2021
IN
PETITION NUMBER : IBA/155/2020
NAME OF THE PETITIONER(S) : Eco Pure Technologies Pvt Ltd
NAME OF THE RESPONDENTS : Karaipudur Common Effluent Treatment Plant Pvt Ltd
& Anr
UNDER SECTION : Sec 12A of IBC, 2016



303
304

IA/1004(CHE)/2021 in IBA/155/2020
IA/1091(CHE)/2021 in IBA/155/2020

COMMON ORDER

1. The Petitioner is represented by the Learned Counsel Mr. Suresh Kumar and the Respondent is represented by the Learned Counsel Mr. Diwakar through video conferencing platform.

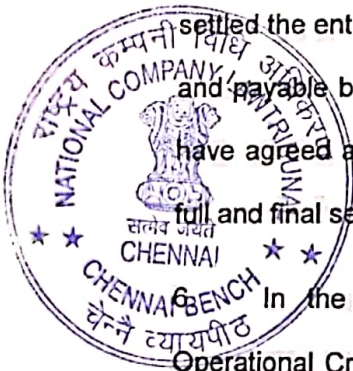
2. The IBA/155/2020 was admitted by this Adjudicating Authority vide order dated 31.05.2021 and the CIRP commenced in respect of the Corporate Debtor.

3. In IA/1091(CHE)/2021 filed by the Operational Creditor seeking for modification of the order passed by this Tribunal dated 31.05.2021 in respect of the IRP fees.

4. In IA/1004 (CHE)/2021 filed by the IRP / the Applicant herein seeking direction to the Operational Creditor. Learned Counsel appearing for the IRP / Applicant herein states that by order dated 31.05.2021 in IBA/155/2020 the CIRP commenced. However, the CIRP order was received by the IRP / Applicant only on 07.06.2021.

5. Immediately, the IRP had issued the paper publications on 09.06.2021. The Applicant / IRP submits that subsequent to this order of admission, the Corporate Debtor has settled the entire amount due and payable to the Operational Creditor. The total amount due and payable by the Corporate Debtor was a sum of Rs.1,31,45,095/-. However, the parties have agreed and an amount of Rs.1,30,00,000/- was paid to the Operational Creditor as a full and final settlement of the outstanding due.

In the order dated 31.05.2021, this Adjudicating Authority has directed the Operational Creditor to pay a sum of Rs.2,00,000/- to the initial expenses and cost of the IRP. However, till date the Operational Creditor has not paid the initial expenses and the fees of the IRP.



(Handwritten signature)

7. Meanwhile, the IRP submits that an appeal filed by the 2nd Respondent before the Hon'ble NCLAT by Company Appeal (AT)(CH)(INS) No.147 of 2021. The Hon'ble NCLAT passed an order dated 07.07.2021. As per the order, the Application for withdrawal has to be filed before the NCLT, Chennai. As per that order, the Application was filed seeking withdrawal of IBA/155/2020 and also in the Application, the IRP had sought direction to the Operational Creditor to settle the expenses due and payable for a sum of Rs.2,75,000/-.
8. The copy of the advertisement issued by the IRP is not enclosed along with the Application. However, Learned Counsel for the Operational Creditor accepts that the publications have been taken up by the IRP in two newspapers. Hence, the IRP incurred expenses.
9. In IA/1091(CHE)/2021, the Operational Creditor has filed this Application seeking for a modification of the order passed on 31.05.2021 in IBA/155/2020 regarding the payment of the fees and expenses to the IRP.
10. Learned Counsel for the IRP states that Form FA was mailed on 07.06.2021. The IRP has invoked Section 12-A of the I & B Code r/w Regulation 30 (A) (1) (a) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. However, the IRP has not filed the Form FA before this Adjudicating Authority well within the time.
11. On verification, it is clear that IA/1004(CHE)/2021 filed by the IRP on 16.07.2021 vide e-filing and the physical copy was submitted on 07.10.2021. In respect of IA/1091(CHE)/2021 e-filing was filed on 16.06.2021 and the physical copy was submitted on 22.11.2021 by the Operational Creditor.
12. We have heard both the parties. The Corporate Debtor is also represented by the Learned Counsel states that the entire amount due and payable by the Corporate Debtor to



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the Operational Creditor in IBA/155/2020 has been settled prior to the constitution of the CoC. Hence, IBA/155/2020 stands closed.

13. The IRP is discharged on his duties. The Corporate Debtor is permitted to operate by its own Board. In respect of the fees due and payable by order dated 31.05.2021 in IBA/155/2020, an order was given directing the Operational Creditor to pay a sum of Rs.2,00,000/- to the IRP for the initial expenses stands intact.

14. The Operational Creditor is directed to pay a sum of Rs.2,00,000/- to the IRP within seven (7) working days from today and file a memo of compliance in the Registry.

15. Accordingly, IA/1004(CHE)/2021 & IA/1091(CHE)/2021 are Allowed with the direction to the Operational Creditor to pay a sum of Rs.2,00,000/- to the IRP.

16. IBA/155/2020 stands closed.

-Sd-

SAMEER KAKAR
MEMBER (TECHNICAL)

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-Sd-

R. SUCHARITHA
MEMBER (JUDICIAL)

Certified to be True Copy



Dinaf
07/12/2022
ASST. REGISTRAR / ~~DEPUTY REGISTRAR~~
NATIONAL COMPANY LAW TRIBUNAL
CHENNAI BENCH
CORPORATE BHAVAN, 3rd FLOOR,
29, RAJAJI SALAI, CHENNAI - 600 001.