

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 809 of 2019

IN THE MATTER OF:

Mr. Thiagarajan Murugesan

...Appellant

Versus

G. Gunasekaran & Ors.

...Respondents

Present:

For Appellant : Mr. N. Ramakrishnan, Advocate

For Respondents : Mr. C.A. Sinha and Ms. Sonali Khanna, Advocates

O R D E R

08.08.2019 The Adjudicating Authority (National Company Law Tribunal), Special Bench, Chennai by impugned order dated 17th July, 2019 passed the following directions :

“Therefore this Bench hereby directs R1 to R4 to provide the required documents to the RP within 10 days hereof, failing which, this Bench hereby requests the District Collector of Madurai to provide assistance to the RP take custody of the records sought by the RP as well as any other assistance that is essential in discharging his functions as RP in the CIRP period as contemplated under Section 19(2) of IBC r/w 429 of the Companies Act, 2013”

2. The Appellant is the 1st Respondent to the application which was preferred before the Adjudicating Authority and the direction as given above is to all the ‘Promoters/Directors’ of the ‘Corporate Debtor’.

3. Learned counsel appearing on behalf of the Appellant submits that since 2013 he is not the Director and whose shareholding with the company is no longer there since there 2015. If that be so, the Appellant needs to co-operate with the 'Resolution Professional' and state as to who is in the possession of the record of the 'Corporate Debtor'. Learned counsel for the Appellant submits that some properties belongs to the Appellant, but no such finding is given in the impugned order by the Adjudicating Authority and we are not inclined to decide the same. However, the Appellant may file an application before the 'Resolution Professional' to show that any particular property belongs to 3rd Party and in such case, the 'Resolution Professional' will examine the same in terms of Section 18 of the 'I&B Code' preferably within 3 weeks thereof.

The appeal stands disposed of with aforesaid observations.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/sk