

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal(AT)(Insolvency) No. 189 of 2019**

**IN THE MATTER OF:**

**M/s B.R. Traders** **...Appellant**

**Vs**

**Venkataramanarao Nagarajan & Ors.** **....Respondents**

**Present:**

**For Appellant:**

**For Respondents:** **Mr. J. Manivannan, Advocate for Respondent No. 1.**

**Mr. E. Omprakash, Senior Advocate along with Ms. Madhusmita Bora, Advocate for SBI**

**Mr. D. Sreenivasan, Advocate for ICICI Bank**

**With**

**Company Appeal(AT)(Insolvency) No. 190 of 2019**

**IN THE MATTER OF:**

**M/s K.K. Foods** **...Appellant**

**Vs**

**Venkataramanarao Nagarajan & Ors.** **....Respondents**

**Present:**

**For Appellant:** **Mr. A. Mohan Roy and Ms. Chemlata Chaudhary, Advocates**

**For Respondents:** **Mr. J. Manivannan, Advocate for Respondent No. 1.**

**Mr. E. Omprakash, Senior Advocate along with Ms. Madhusmita Bora, Advocate for SBI**

**Mr. D. Sreenivasan, Advocate for ICICI Bank**

**With**

**Company Appeal(AT)(Insolvency) No. 784 of 2018**

**IN THE MATTER OF:**

**Arokiasamy Joseb Raj**

**...Appellant**

**Vs**

**Venkataramanarao Nagarajan & Ors.**

**....Respondents**

**Present:**

**For Appellant: Mr. S.C. Das, Advocate**

**For Respondents: Mr. J. Manivannan, Advocate for Respondent No. 1.**

**Mr. E. Omprakash, Senior Advocate along with Ms. Madhusmita Bora, Advocate for SBI**

**Mr. D. Sreenivasan, Advocate for ICICI Bank**

**With**

**Company Appeal(AT)(Insolvency) No. 686 of 2019**

**IN THE MATTER OF:**

**Pepsico India Holding Pvt. Ltd.**

**...Appellant**

**Vs**

**V. Nagarjan,  
RP of Oceanic Tropical Fruits Pvt. Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Sanjeev Puri, Senior Advocate along with Mr. Dheeraj Nair, Mr. Manish K. Jha and Ms. Vishrutyi**

**For Respondent: Sahni, Advocates**

**Mr. J. Manivannan, Advocate for Respondent.**

## **ORDER**

**07.08.2019** Appellants- M/s B.R. Traders and M/s K.K. Foods in Company Appeal(AT)(Insolvency) No. 189 of 2019 and No. 190 of 2019 respectively are the prospective Resolution Applicants. According to them, their plan has not been considered and order of liquidation has been passed by the Adjudicating Authority. Therefore, they have challenged the individual orders rejecting their applications filed under Section of 60(5) of Insolvency and Bankruptcy Code, of 2016.

2. Company Appeal(AT)(Insolvency) No. 784 of 2018 has been preferred by Arokiasamy Joseb Raj- promoter, shareholder of M/s Oceanic Tropical Fruits Private Limited ('Corporate Debtor'). He has challenged the order passed by the Adjudicating Authority for liquidation on the ground that in spite of different Resolution Plans, they have not been considered by the "Committee of Creditors" and order of liquidation has been passed.

3. Company Appeal (AT)(Insolvency) No. 686 of 2019 has been preferred by Pepsico India Holding Private Limited challenging the order whereby the Adjudicating while accepting that machineries in question belong to the Appellant but refused to hand over the same to the Appellant on the ground that the Company is going concern. According to the Appellant, the 'Corporate Debtor' is non-functioning for more than two years and therefore, there is no requirement of the machineries in question which belong to the Appellant.

4. Heard learned Counsels for the parties. **Order reserved.** It will be open to the parties to file their respective short Written Submission, not more than three pages, by 09.08.2019.

[Justice S.J. Mukhopadhaya]  
Chairperson

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

(Kanthi Narahari)  
Member(Technical)

*Akc/Sk*