

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Ins) No.850 of 2020**

**IN THE MATTER OF:**

**Ravindra Beleyur** **...Appellant**  
**Liquidator, Deepak Cables (India) Ltd.**

**Versus**

**Karuturi Venkateshwara Rao** **...Respondent**

**For Appellant:** **Shri KV Balakrishnan and Shri T. Ravichandran,**  
**Advocates**  
**Ravindra Beleyur, Liquidator**

**For Respondent:** **Shri Aditya Gupta, Shri Jayant Mehta, Shri Surya**  
**Kapoor and Ms. Smiti Verma, Advocates**

**O R D E R**  
**(Virtual Mode)**

**18.12.2020** Heard Counsel for the Appellant. The learned Counsel for the Appellant states that the Appellant is Liquidator of the Corporate Debtor – Deepak Cables (India) Ltd. which is under process of liquidation. It is stated that the Respondent who has been the Managing Director of the Corporate Debtor had been cooperating with the Appellant but at some point, there was misunderstanding and the Appellant had filed I.A. Nos.288 and 289 of 2020 in CP (IB) No.154/BB/2017 that Respondent is not co-operating and should not leave Jurisdictional area. The I.A.s were filed before the Adjudicating Authority (National Company Law Tribunal, Bengaluru Bench) and sought directions under Section 19 and Section 34(3) of the Insolvency and Bankruptcy Code, 2016 (IBC – in short). The Application came to be rejected and thus this Appeal was required to be filed.

2. Counsel for the Appellant then referred to his Rejoinder (Diary No.23630) and e-mail sent by the Respondent and states that the Respondent has some time back expressed desire and intention to cooperate. It is stated that the Respondent has, in fact, now been cooperating.

3. The learned Counsel for the Appellant states that the Adjudicating Authority in para – 8 of the Impugned Order made comments against the Appellant that the Appellant had not made substantial progress. The learned Counsel is pointing out that there are so many facts in this regard to show the various steps Liquidator has taken. He states that the adverse comments that the Appellant has not taken appropriate steps for substantial progress may be expunged.

4. Learned Counsel for the Respondent – the erstwhile Managing Director of the Corporate Debtor refers to the Memo which was filed before the Adjudicating Authority, copy of which is at Page – 179 of the Appeal. It is stated that the Respondent still stands by this Memo.

5. The contents of the Memo signed by the Respondent reads as under:-

“I, K. Venkateshwara Rao, residing at 20 & 21, 10<sup>th</sup> Cross, West Park Road, Bangalore – 560 003, do hereby state that I was the former Managing Director of the Corporate Debtor, Deepak Cables (India) Limited. The aforesaid applications have been filed by the applicant, who is the liquidator, seeking certain directions against me although I have not been formally made a party to the applications. At the outset I deny the allegations

made against me in their entirety and the applications are totally misconceived.

I state that I neither had nor have any intention of leaving the country with the intention of not returning back.

I pray that my statement may be taken on record and the applications disposed of by this Hon'ble Bench as it may deem fit."

6. It is argued by the learned Counsel for the Respondent that the Appeal is infructuous in view of the earlier stand taken before the Adjudicating Authority as well as before this Tribunal. The Reply (Diary No.23375) Para – 12 states that Respondent has co-operated with the Appellant throughout and continues to do so.

7. Having heard Counsel for both sides and the fact that it is stated by the Appellant that Respondent was earlier cooperating with the Liquidator and is even now cooperating with the Liquidator and the Respondent is still standing by the Memo as reproduced above, we do not find that any Orders as such giving directions to the Respondent are necessary.

8. As regards the contention of the learned Counsel for the Appellant for remarks as have been made in Impugned Order against Appellant, the observations of the Adjudicating Authority will not be taken as adverse remarks but observations in the context of examining the dispute raised before the Adjudicating Authority. The Appellant is at liberty to place detailed Report before the Adjudicating Authority so as to clear the impression of the Adjudicating Authority with regard to the progress of the liquidation proceedings.

9. For the above reasons, we do not interfere with the Impugned Order and the Appeal is disposed with the observations made above.

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

[Dr. Alok Srivastava]  
Member (Technical)

*rs/md*