

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 05 of 2018

IN THE MATTER OF:

Dr. K. C. Ramaswami

...Appellant

Vs

Bank of Baroda and Anr.

....Respondents

Present:

For Appellant: Mr. C. Deivasigamani, Advocate.

**For Respondents: Ms. Praveena Gautam and Mr. Jitesh Gupta,
Advocates for R-1.
Mr. Deepak Tyagi, Advocate for Resolution
Professional.**

ORDER

27.03.2018: The Appellant, Dr. K. C. Ramaswami, Shareholder of Vangal Amman Health Service Limited (Corporate Debtor) has preferred this appeal against order dated 22nd November, 2017 passed by the Adjudicating Authority (National Company Law Tribunal) Division Bench, Chennai. By the impugned order the Adjudicating Authority admitted the application preferred by Respondent – Bank of Baroda (Financial Creditor) under Section 7 of the Insolvency and Bankruptcy Code, 2016 (herein after referred to as 'I&B Code'), passed order of moratorium and appointed Interim Resolution Professional.

2. Learned counsel appearing on behalf of the Appellant submits that there have been defects in the application preferred by the Respondent (Financial Creditor) as particulars regarding the loan accounts were not shown properly. However, he failed to state as to what were the defects in the application under Section 7 preferred by the Financial Creditor. Next it is submitted that the statement of term loan accounts were not attached to substantiate the amount

due and the copies of the entries are not in accordance with the Bankers Books of Evidence Act, 1891. He further submitted that the total area of the project land was wrongly shown as 165.43 instead of 1894.02 cents. Though it alleged that the copies of the entries were not in accordance with the Bankers Books of Evidence Act, 1891, it has not disputed that the Bank of Baroda (Financial Creditor) enclosed other records of default which were noticed by the Adjudicating Authority.

4. From the record we find that the Corporate Debtor availed three credit facilities from the Respondent of TL Rs.17,00,00,000/-, FITL-I Rs.2,10,00,000/- and FITL-II Rs.4,15,00,000/- total amounting to Rs.23,25,00,000/-. Total outstanding amount as on 31.07.2017 was Rs.15,95,00,000/- when the Corporate Debtor declared NPA-07.09.2013 in December, 2015 quarter. There being the debt and Corporate Debtor having defaulted to pay the amount, we are not inclined to grant any relief in this appeal. The appeal is accordingly dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc