

**NATIONAL COMPANY LAW TRIBUNAL  
AMARAVATI BENCH  
(Video Conference)**

**PRESENT: JUSTICE TELAPROLU RAJANI – MEMBER JUDICIAL  
ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 04.01.2023 AT 10.30 AM**

TC/CP. Nos.	CA/IA No.	Section/ Rule	Name of Parties
TCP(IB)No.41/9/AMR/2019	Main Case	9 Of IBC	Priya Trading Company Vs Veda Biofuel Ltd
	IA(IBC)/394/2022	60(5) of IBC	Dr. Kondapalli Venkata Srinivasa, Liquidator of Veda Biofuel Limited
	IA(IBC)/395/2022	35(1)(n) of IBBI (Liquidation Process) Regulations, 2016	Dr. Kondapalli Venkata Srinivasa, Liquidator of Veda Biofuel Limited
	IA(IBC)/203/2022	60(5) r/w Rule 11 of NCLT Rules	M/s.Maruthi Traders vs. Dr.Kondapalli Venkata Srinivas (Liquidator) of M/s. Veda Biofuel Limited
	IA(IBC)/140/2021	42	The Central Goods & Service Tax Department Vs. Dr.K.V. Srinivas, Liquidator (Veda Biofuel Limited)
	IA(IBC)/13/2022	60(5)	Accord Distillers and Breweries Private Limited Vs. Veda Biofuel Limited

**ORDER**

**IA(IBC)/394/2022 & IA(IBC)/395/2022:**

Mr.Y.Suryanarayana, Counsel for the Applicant present.

IA(IBC)394/2022 & IA(IBC)/395/2022 are allowed, vide separate orders.

**IA(IBC)/203/2022:**

Ms.Mummaneni Vazra Laxmi, Counsel for the Applicant present. The Counsel for the Respondent Mr.Y.Suryanarayana is not able to connect due to network issue. Hence, list the matter on 30.01.2023.

**IA(IBC)/140/2021 & IA(IBC)/13/2022:**

Both the counsel present. List the matter along with other IAs on 30.01.2023.

Sd/-  
**JUSTICE TELAPROLU RAJANI  
MEMBER JUDICIAL**

RSN

**NATIONAL COMPANY LAW TRIBUNAL  
AMARAVATI BENCH**

**IA(IBC)/394/2022  
IN  
TCP (IB) No.41/9/AMR/2019**

**Under Section 60(5) (c) of IBC Code, 2016 read with Regulation 2B of  
Insolvency and Bankruptcy Board of India (Liquidation Process)  
Regulations, 2016 and Read with Rule 11 of NCLT Rules, 2016**

**In the matter of M/s. VEDA BIOFUEL LIMITED**

**BETWEEN:**

**Dr.Kondapalli Venkat Srinivas,  
Liquidator of M/s. Veda Biofuel Limited,**

**...Applicant**

**Orders dated: 04.01.2023**

**Coram:**

**Justice Telaprolu Rajani, Member Judicial.**

**Parties/Counsels present:**

**For the Applicant : Mr.Y.Suryanarayana, Advocate**

**ORDER**

1. This is an Application filed Under Section 60(5) (c) of IBC Code, 2016 read with Regulation 2B of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 seeking for exclusion of period from 13.12.2021 to 02.12.2022 during which the

scheme of compromise submitted by the proposer was pending due to non disposal of IA(IBC) No.63/2022, which was disposed of on 02.12.2022, from the period of 90 days and for order completion of liquidation process of the CD within a period of 1 year therefrom in accordance with the provisions of Regulation 44 of IBBI(Liquidation Process) Regulations, 2016 i.e., from 02.12.2022 to 02.12.2023.

2. The following are the facts of the case briefly:
  - i. The Tribunal vide its order dated 26.05.2020 appointed Mr.Sisir Kumar Appikatla as Liquidator. Further vide order dated 07.08.2021 passed by this Tribunal the appointment of Liquidator Mr.Sisir Kumar Appikatla as null, and void and non-existent in the eye of law.
  - ii. Subsequently, this Tribunal vide its orders dated 03.09.2021 appointed Dr.Kondapalli Venkat Srinivas, Applicant herein as Liquidator.
  - iii. The Applicant filed an application seeking for exclusion of 483 days Liquidation period i.e., from 25.05.2020 to 20.09.2021 (the liquidation process has been stalled for the said period of 483 days) and to extend the Liquidation period till 19.12.2022. Vide orders dated 22.10.2021 this Tribunal allowed the exclusion of 483 days and extended the liquidation period till 19.12.2022.

- iv. Mr.Vijay Kumar Penmetsa, erstwhile Managing Director of the CD filed an Application seeking for directions to the liquidator to accept the MSME Certificate u/s. 240A and permit him to submit a scheme of compromise as per Sec.230 of Companies Act and the same is allowed by this Tribunal and the Applicant was directed to accept the MSME Certificate.
- v. The Scheme of Compromise as submitted by the proposer vide email dated 13.12.2021 was placed before the Secured Financial Creditors for consideration. The secured creditors, keeping in view the spirit and objective of the Code, considered the same on merits and rejected the proposal in exercise of their commercial wisdom and communicated their decision individually, by email, to the Liquidator. Subsequently, the proposer submitted a revised proposal directly to the Secured Financial Creditors and the same was rejected in the Jt.Lenders Meeting held on 30.05.2022 and proposer again submitted another revised scheme in the Jt.Lenders meeting held on 17.06.2022 and the same is rejected unanimously.
- vi. The Proposer along with other stakeholders, filed an application i.e., IA(IBC)/63/2022 seeking directions to the Liquidator to place the scheme of compromise proposed by him before the Stakeholders Consultation Committee (SCC) and the same is dismissed by this Tribunal vide its order dated 02.12.2022.

- vii. The 90 days period ends on 13.12.2021. The proposal submitted by the proposer was under active consideration by the Secured Financial Creditors from 13.12.2021 to 17.06.2022 and IA(IBC)/63/2022 was under consideration of the Tribunal till 02.12.2022. Therefore, for the above reasons, the Scheme of Compromise proposed under Section 230 of the Companies Act could not be completed within the period of 90 days. Hence, this Application.
3. Heard the Counsel for the Applicant. This Tribunal finds the reasons mentioned in the application as sufficient, for exclusion of period from 13.12.2021 to 02.12.2022 and for directing the Liquidator to complete the liquidation process of the CD within a period of one (1) year from 02.12.2022 to 02.12.2023 as sought by the Applicant. Hence, the Application is allowed.

Accordingly, IA(IBC)/394/2022 in TCP (IB) No.41/9/AMR/2019 is disposed of.

Sd/-

**JUSTICE TELAPROLU RAJANI  
MEMBER JUDICIAL**

*Swamy Naidu*