

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

FRIDAY, THE 13TH DAY OF AUGUST, 2021

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

COMP.APPLN.NO.22 OF 2013

AND

COMP.APPLN.NO.82 OF 2015

IN

COMP.PETN.NO.27 OF 2009

In the matter of Companies Act of
1956

and

In the matter of M/s. Pioneer
Feeds & Poultry Products (P) Ltd.,
(In Provisional Liquidation)

C.P.No.27/2009:

M/s. Janatha Fish Meal
and Oil Products
Manur Village, Kota,
Udupi Taluk & District,
Karnataka
Rep.by its partner Rakshith

..Petitioner

-VS-

M/s. Pioneer Feeds and Poultry
products P Ltd
7.67, Pongalur,
Coimbatore 641 667
Comp.A.No.284/2011:
The Official Liquidator,
High Court Madras as the Liquidator of
M/s. Pioneer Feeds & Poultry Products P Ltd.,
(In Provisional Liquidation)

..Respondent

...Applicant

-VS-

1.IREDA,
Indian Habitat Centre,
Core-4, A East Court,
1st Floor, Lodhi Road, New Delhi 110 003

2.State Bank of India,
Stressed Asset,
Management Branch,
Egmore, Chennai 600 008

3.Kotak Mahindra Bank,
727, Skandha Square,
Avinashi, Coimbatore

...Respondents

COMP.APPLN.NO.22 OF 2013:

1.M/s. Team Associates,
Having its regd. Office at
Shed No.40B, Door No.51
Sidco Industrial Estate,
Harvey Road, Tirupur 641 602
Rep.by its authorised signatory
Mr.G.Suryanarayanan

2.M/s.Vangili Feeds,
Having its Regd.office at
Post Box No.30, 3/88-1A,
M.G.Nagar, Mohanur Road,
Namakkal 637 001
Rep.by its Managing Partner
Mr.V.Subramaniam

..Applicants

-VS-

1.The Official Liquidator,
High Court Madras as the Liquidator of
M/s. Pioneer Feeds & Poultry Products (P) Ltd
(In Provisional Liquidation)

2.M/s. Viswa Agro Enterprises Ltd.,
SF.No.79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Managing Director
Mr.G.V.Viswanathan

3.M/s. Provimi Products Pvt Ltd.
SF.No.72,79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,

Erode District, Rep.by its Director
Mr.G.V.Viswanathan

...Respondents

This Company Application praying that this Hon'ble Court be pleased to direct the Official Liquidator to take possession of 76.5 cents in S.F.No.79/1, Modachur Village, Gopi Taluk, Erode District, belonging to the company in liquidation being the property covered in the sale notification dated 15.07.2012 and sold to the applicants, which is under the control of second and third respondents herein and hand over the same to the applicants.

COMP.APPLN.NO.82 OF 2015:

1.M/s. Viswa Agro Enterprises Ltd.,
SF.No.79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Managing Director
Mr.G.V.Viswanathan

2.M/s. Provimi Products Pvt Ltd.
SF.No.72,79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Director
Mr.G.V.Viswanathan

..Applicants

-VS-

1.The Official Liquidator,
High Court, Madras as the Liquidator of
M/s. Pioneer Feeds & Poultry Products (P) Ltd.,
(In Provisional Liquidation)

2.M/s. TEAM ASSOCIATES

Having its regd.Office at
Shed No.40B, Door No.51,
Sidco Industrial Estate,
Harvey Road, Tirupur 641 602
Represented by its Authorised signatory
Mr.G.Surya Narayanan

3.M/s. Vangli Feeds,

Having its regd.Office at
Post Box No.30, 3/88-1A,
M.G.Nagar, Mohanur Road,
Namakkal 637 001
Rep.by its Managing Partner
Mr.V.Subramanian

...Respondents

This Company Application praying that this Hon'ble Court be pleased to direct the 1st Respondent, Official Liquidator to produce before this Hon'ble Court the documentary evidence in their possession as listed out in the schedule hereto

SCHEDULE

1. Terms and Conditions of Sale Notice published in C.A.No.284/2011 in C.P.No.27 of 2009.
2. The Tender Form submitted by Team Associates & Vangli Foods (Respondents 2 and 3).
3. Original Sale Certificate (Deed of Sale) Dated 17th February 2004 by ICICI Bank Limited(Vendor) Viswa Agro Enterprises Limited(Confirming Party) Pioneer Feeds and Poultry Products Private Limited(Purchaser) Document No.1453 of 2004 Joint Registrar 1, Gobichettipalayam.
- 4.Original Sale Deed Registered on 29.08.1994 as Document No.1087 of 1994-Sub Registrar Joint, I, Gobichettipalayam.
5. Original Sale Deed Registered on 29.08.1994 As Document No.1088 of 1994 -Sub Registrar Joint I, Gobichettipalayam.

6.Original Sale Deed Registered on 29.08.1994 As Document No.1089 of 1994 Sub Registrar Joint I, Gobichettipalayam.

7.Original Sale Deed Registered on 30.08.1994 As Document No.1097/1994 Sub Registrar Joint I, Gobichettipalayam.

8.Original Sale Deed Registered on 30.08.1994 As Document No.1111 of 1994 Sub Registrar Joint I, Gobichettipalayam.

9. Original Sale Deed Registered on 30.08.1994 As Document No.1115 of 1994 Sub Registrar Joint I, Gobichettipalayam.

10. Original Sale Deed Registered on 30.08.1994As Document No.1131 of 1994 Sub Registrar Joint I, Gobichettipalayam.

11.Original Sale Deed Registered on 02.09.1994 As Document No.1138 of 1994 Sub Registrar Joint I, Gobichettipalayam.

12. Original Factory Building Plan of Pioneer Feeds & Poultry Products Private Limited as approved by the factory authority showing the Land and Factory Building of Pioneer Feeds & Poultry Products Private Limited.

These Company Applications coming on this day before this court for hearing in the presence of Mr.J.Nithyanandan Advocate for the applicant in Comp.A.No.22 of 2013 and Mr.Bavishetty Sridhar, Deputy Official Liquidator, High Court, Madras, for the 1st Respondent in Comp.A.No..22/2013 & 82/2015 herein and Mr.R.Venkatraman advocate for the 2 & 3 Respondents in Comp.A.No.22/2013 and for the applicants in Comp.A.No..82/2015 herein, upon reading the order dated 10.09.2013, It is ordered as follows:-

That a warrant of commission do issue herein out of and under the seal of this court that Mr.V.P.K.Gowtham, Advocate(Ph No.94456 45000) having office at No.9, First Floor, Ibrahim Centre, Kachaleeswarar Koil Agraharam Street, Chennai 600 001 is appointed

herein, as the Advocate Commissioner and he is directed to execute the work.

2. That the Advocate Commissioner appointed therein shall take the assistance of a surveyor and measure the land in Survey Nos.72 and 79/1, 2, 3, 4 and 5 and shall also indicate the exact area of land that is in possession of the third respondent in Survey No.79/1 and the exact area of land that is in possession of the applicant in Survey No. 79/1, 2, 3, 4 and 5 and complete the task and file a report before this Hon'ble Court on 27.09.2021.

3. That the applicants herein shall pay an initial remuneration of Rs.30,000/- (Rupees Thirty Thousand only) to the Advocate Commissioner appointed herein.

4. That there shall be a direction to the Revenue Authorities to assist the Advocate Commissioner appointed herein on his request, and parties are required to provide all the documents to the Commissioner.

WITNESS, THE HON'BLE MR. JUSTICE SANJIB BANERJEE
CHIEF JUSTICE OF MADRAS HIGH COURT, AFORESAID THIS
THE 13TH DAY OF AUGUST 2021.

sd/-

JOINT REGISTRAR(O.S)(i/c)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

R.s/23.08.2021

COMP.APPLN.NO.22 OF 2013
AND
COMP.APPLN.NO.82 OF 2015
IN
COMP.PETN.NO.27 OF 2009

ORDER DATED: 13.08.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL ON: 24/08/2021

APPROVED ON: 24/08/2021
COPY TO:-

1. The Official Liquidator,
High Court, Madras.

2. Mr.V.P.K.Gowtham,
Advocate
having office at No.9, First Floor,
Ibrahim Centre, Kachaleeswarar
Koil Agraharam Street, Chennai
600 001
(Ph No.94456 45000)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

FRIDAY, THE 13TH DAY OF AUGUST, 2021

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

COMP.APPLN.NO.22 OF 2013

AND

COMP.APPLN.NO.82 OF 2015

IN

COMP.PETN.NO.27 OF 2009

In the matter of Companies Act of
1956

and

In the matter of M/s. Pioneer
Feeds & Poultry Products (P) Ltd.,
(In Provisional Liquidation)

C.P.No.27/2009:

M/s. Janatha Fish Meal
and Oil Products
Manur Village, Kota,
Udupi Taluk & District,
Karnataka
Rep.by its partner Rakshith

..Petitioner

-VS-

M/s. Pioneer Feeds and Poultry
products P Ltd
7.67, Pongalur,
Coimbatore 641 667

..Respondent

Comp.A.No.284/2011:

The Official Liquidator,
High Court Madras as the Liquidator of
M/s. Pioneer Feeds & Poultry Products P Ltd.,
(In Provisional Liquidation)

...Applicant

-VS-

1.IREDA,
Indian Habitat Centre,
Core-4, A East Court,
1st Floor, Lodhi Road,
New Delhi 110 003

2.State Bank of India,
Stressed Asset,
Management Branch,
Egmore, Chennai 600 008

3.Kotak Mahindra Bank,
727, Skandha Square,
Avinashi, Coimbatore

...Respondents

COMP.APPLN.NO.22 OF 2013:

1.M/s. Team Associates,
Having its regd. Office at
Shed No.40B, Door No.51
Sidco Industrial Estate,
Harvey Road, Tirupur 641 602
Rep.by its authorised signatory
Mr.G.Suryanarayanan

2.M/s.Vangili Feeds,
Having its Regd.office at
Post Box No.30, 3/88-1A,
M.G.Nagar, Mohanur Road,
Namakkal 637 001
Rep.by its Managing Partner
Mr.V.Subramaniam

..Applicants

-vs-

1.The Official Liquidator,
High Court Madras as the Liquidator of
M/s. Pioneer Feeds & Poultry Products (P) Ltd
(In Provisional Liquidation)

2.M/s. Viswa Agro Enterprises Ltd.,
SF.No.79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Managing Director
Mr.G.V.Viswanathan

3.M/s. Provimi Products Pvt Ltd.
SF.No.72,79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Director
Mr.G.V.Viswanathan

...Respondents

WHEREAS Company Application praying that this Hon'ble Court be pleased to direct the Official Liquidator to take possession of 76.5 cents in S.F.No.79/1, Modachur Village, Gopi Taluk, Erode District, belonging to the company in liquidation being the property covered in the sale notification dated 15.07.2012 and sold to the applicants, which is under the control of second and third respondents herein and hand over the same to the applicants.

COMP.APPLN.NO.82 OF 2015:

1.M/s. Viswa Agro Enterprises Ltd.,
SF.No.79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Managing Director
Mr.G.V.Viswanathan

2.M/s. Provimi Products Pvt Ltd.
SF.No.72,79, Nadhipalayam Road,
Modachoor Village, Gopi Taluk,
Erode District, Rep.by its Director
Mr.G.V.Viswanathan

..Applicants

-VS-

1.The Official Liquidator,
High Court, Madras as the Liquidator of
M/s. Pioneer Feeds & Poultry Products (P) Ltd.,
(In Provisional Liquidation)

2.M/s. TEAM ASSOCIATES

Having its regd.Office at
Shed No.40B, Door No.51,
Sidco Industrial Estate,
Harvey Road, Tirupur 641 602
Represented by its Authorised signatory,
Mr.G.Surya Narayanan

3.M/s. Vangli Feeds,

Having its regd.Office at
Post Box No.30, 3/88-1A,
M.G.Nagar, Mohanur Road,
Namakkal 637 001
Rep.by its Managing Partner
Mr.V.Subramanian

...Respondents

To

Mr.V.P.K.Gowtham,
Advocate Commissioner,
having office at No.9, First Floor,
Ibrahim Centre, Kachaleeswarar Koil Agraharam Street,
Chennai 600 001
(Ph No.94456 45000)

WHEREAS, the above Company Application praying that this Honble Court be pleased to direct the 1st Respondent, Official Liquidator to produce before this Hon'ble Court the documentary evidence in their possession as listed out in the schedule hereto

SCHEDULE

1. Terms and Conditions of Sale Notice published in C.A.No.284/2011 in C.P.No.27 of 2009.
2. The Tender Form submitted by Team Associates & Vangli Foods (Respondents 2 and 3).

3. Original Sale Certificate (Deed of Sale) Dated 17th February 2004 by ICICI Bank Limited(Vendor) Viswa Agro Enterprises Limited(Confirming Party) Pioneer Feeds and Poultry Products Private Limited(Purchaser) Document No.1453 of 2004 Joint Registrar 1, Gobichettipalayam.

4.Original Sale Deed Registered on 29.08.1994 as Document No.1087 of 1994-Sub Registrar Joint, I, Gobichettipalayam.

5. Original Sale Deed Registered on 29.08.1994 As Document No.1088 of 1994 -Sub Registrar Joint I, Gobichettipalayam.

6.Original Sale Deed Registered on 29.08.1994 As Document No.1089 of 1994 Sub Registrar Joint I, Gobichettipalayam.

7. Original Sale Deed Registered on 30.08.1994 As Document No.1097/1994 Sub Registrar Joint I, Gobichettipalayam.

8. Original Sale Deed Registered on 30.08.1994 As Document No.1111 of 1994 Sub Registrar Joint I, Gobichettipalayam.

9. Original Sale Deed Registered on 30.08.1994 As Document No.1115 of 1994 Sub Registrar Joint I, Gobichettipalayam.

10. Original Sale Deed Registered on 30.08.1994As Document No.1131 of 1994 Sub Registrar Joint I, Gobichettipalayam.

11.Original Sale Deed Registered on 02.09.1994 As Document No.1138 of 1994 Sub Registrar Joint I, Gobichettipalayam.

12. Original Factory Building Plan of Pioneer Feeds & Poultry Products Private Limited as approved by the factory authority showing the Land and Factory Building of Pioneer Feeds & Poultry Products Private Limited.

WHEREAS in and by an order dated 13.08.2021 made in Comp.A.No.22 of 2013 and Comp.A.No.82 of 2015 you have been appointed as the Advocate Commissioner.

You as the Commissioner are hereby directed to execute the work and shall take the assistance of a surveyor and measure the land in Survey Nos.72 and 79/1, 2, 3, 4 and 5 and shall also indicate the exact area of land that is in possession of the third respondent in Survey No.79/1 and the exact area of land that is in possession of the applicant in Survey No. 79/1, 2, 3, 4 and 5 and complete the task and file a report before this Hon'ble Court on 27.09.2021.

You as the commissioner are hereby informed that the applicants shall pay an initial remuneration of Rs.30,000/- (Rupees Thirty Thousand only) to you.

You as the commissioner are hereby informed that there shall be a direction to Revenue Authorities to assist you on your request, and parties are required to provide all the documents to you.

WITNESS, THE HON'BLE MR. JUSTICE SANJIB BANERJEE
CHIEF JUSTICE OF MADRAS HIGH COURT, AFORESAID THIS
THE 13TH DAY OF AUGUST 2021.

JOINT REGISTRAR(O.S)

R.s/23.08.2021

COMP.APPLN.NO.22 OF 2013
AND
COMP.APPLN.NO.82 OF 2015
IN
COMP.PETN.NO.27 OF 2009

WARRANT DATED: 13.08.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL ON: 24/08/2021

APPROVED ON:24/08/2021

COPY TO:-

Mr.V.P.K.Gowtham,
Advocate
having office at No.9, First Floor,
Ibrahim Centre, Kachaleeswarar
Koil Agraharam Street, Chennai
600 001
(Ph No.94456 45000)