

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORIGINAL JURISDICTION)

FRIDAY, THE 16TH DAY OF AUGUST 2019

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

COMP.A.Nos.382 to 384 OF 2018

and

COMP.A.No.589 OF 2018

in

COMP.PETN.NO.190 OF 2006

In the matter of Companies

Act, 1956

and

In the matter of M/s.BPV Classic
Tea Factory P Ltd.,(In Liquidation)

BPV Classic Tea Factory P Ltd.,
401, A, Kotharigi Road,
Kattabettu Post,
Nilgris 643 214
Represented by its Managing Director,
Mr.D.K.Baskaran

..Petitioner

COMP.A.Nos.382 to 384 & 589 OF 2018

D.K.Bhaskaran,
S/o.D.Krishnamoorthy,
No.401/A, Kotagiri Road,
Kattabettu Post,
Nilgris 643214

...Applicant/Applicant

1. The Official Liquidator,
High Court, Madras as the
Liquidator of B.P.V.Classic Tea Factory Limited)
Ministry of Corporate Affairs, 2nd Floor,
Shastri Bhawan, 26, Haddows Road,
Chennai 600 034

2.Forbes and Co.Tea Brokers,
At partnership Firm,
having its place of business
At Forbes House, Quail Hill,
Coonor Post, Canoor,
Nilgris 643 101

...Respondents/Respondents

COMP.A.No.382 OF 2018:

This Company Application praying that this Honble Court be pleased to pass an order staying the Execution Petition No.31 of 2017 and all connected applications being Execution Application No.66 of 2017 filed in original Suit No.2 of 2005 and any other consequent or related proceedings pending on the file of the Court of the District Judge of Nilgris at Ootacamund in connection with B.P.V.Classic Tea Factory Limited, company in liquidation.

COMP.A.No.383 OF 2018:

This Company Application praying that this Honble Court be pleased to order the transfer of the Execution Petition No.31 of 2017 and all connected or related applications being Execution Application No.66 of 2017 filed in Original Suit No.2 of 2005 pending on the file of the Court of the District Judge of Nilgris at Ootacamund to this Honble Court.

COMP.A.No.384 OF 2018:

This Company Application praying that this Hon'ble Court be pleased to pass an order setting aside all proceedings being the Execution Petition No.31 of 2017 and all other connected or related applications instituted by the 2nd Respondent in Original Suit No.2 of 2005 against B.P.V.Classic Tea Factory Limited, company in liquidation and the Applicant herein.

COMP.A.No.589 OF 2018:

This Company Application praying that this Honble Court be pleased to extend the stay granted, from the 4th of June, 2018 until further orders are passed by this Hon'ble Court, on the Execution Petition No.31 of 2017 in O.S.NO.2/2015 and other relating proceedings pending on the file of the District Judge, Nilgiris, at Ootacamund, wherein the stay was originally granted on the 28th April, 2018 in C.A.No.381/2018 by this Honble Court.

These Company Applications coming on this day before this Court for hearing in the presence of Mr.Avinash for Mr.Harishankar mani advocate for the applicant in COMP.A.Nos.382 to 384 & 589 OF 2018, Mr.Krishna Prasad advocate for the Respondents in COMP.A.Nos.382 to 384 & 589 OF 2018 herein and Mr.Bavishetty Sridhar Deputy Official Liquidator for Respondent 1 in C.A.Nos.382 to 384 &589/2018 herein and upon reading the order herein dated 28.04.2018 made in C.A.No.382/2014, the Court made the following order:

“The Company Application Nos.382 and 383 and 589 of 2018 have been filed to stay the execution proceedings and Company Application No.384

of 2018 has been filed to set aside all the proceedings in Execution Petition No.31 of 2017 and all other connected or related applications instituted by the second respondent in Original Suit No.2 of 2005 against B.P.V. Classic Tea Factor Limited, Company in Liquidation and the applicant herein.

2. Mr.Avinash, learned counsel for the petitioner and Mr.Krishna Prasad for the second and third respondents are present and submitted that the parties have entered into a compromise and also produced the Debt Compromise Agreement entered between the parties.

3. In view of the Debt Compromise Agreement entered between the parties, this application is closed and the said Debt Compromise Agreement, dated 31.07.2019 shall form part and parcel of this Order. Consequently, the connected applications are closed”.

Sd/. N.S.K.J

16.08.2019

//Certified to be true copy//

Dated at Madras this the day of 2021.
R.s/07.05.2021

COURT OFFICER(O.S.)

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

To
The Official Liquidator,
High Court, Madras