NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No.298/2026
(IA No.846/2026)

In the matter of:

Devendiran Kuppan, Suspended Director
of Nico Allen Infrastructure Pvt Ltd … Appellant

Vs

Sany Heavy Industries India Pvt Ltd … Respondent

Present :

For Appellant : Mr. AG Sathyanarayana, Advocate

For Respondent : Mr. Bharadwajaramasubramaniam,
Ms. Mirudhula A, Ms. Leelavathi P
& Mr. Golulnath S, Advocates for R1
Ms. Deepa, Advocate
For Dr S. Sathiyanarayanan, Advocate for R2

ORDER
(Hybrid Mode)

27.10.2026: Mr. AG Sathyanarayana, learned counsel enters appearance for the appellant on change of vakalath. This appeal is directed against an order admitting the corporate debtor to CIRP under Section 9 of IBC, which petition was instituted by the 1st respondent herein.

2. The learned counsel for the appellant is required to share the copy of the appeal papers with both the respondents.

3. The learned counsel for the appellant submits that to the extent he has been briefly instructed by his client that there are only two major creditors, namely the

operational creditor herein, the 1st respondent herein plus secured financial creditor, M/s. Canara Bank, which, according to his instructions, has 200% security for the loan it has advanced to the corporate debtor.

4. The learned counsel for RP submitted that other than the two creditors, there is at least one more creditor, plus there are governmental departments to whom certain tax dues are there.

5. The learned counsel for the appellant would now submit that the company is a solvent company and that it attempted to resolve the issue through Section 12A, route even as this was being pursued, the appellant was jailed for certain proceedings under Section 138 of the Negotiable Instrument Act. Hence, it could not be pursued.

6. We now require the RP to file a status report about the list of creditors and their claims accepted by him by Monday, i.e., 02.11.2026.

7. We suo motu implead M/s/. Canara Bank. The learned counsel for the appellant submitted that the RP was not impleaded and seeks time to implead both the RP and also M/s. Canara Bank. To save time we suo motu implead both the RP as the 2nd respondent and M/s. Canara Bank, Chennai Egmore-II Branch, as the 3rd respondent. The appellant is required to file an amended memo of parties by tomorrow.

8. Notice to M/s. Canara Bank, Chennai Egmore-II Branch, No. 16 Police Commissioner Office Road, P.B. No. 516, Egmore, Chennai – 600 008, email:

cb16014@canarabank.com

9. Mr. Ramasubramanimraja takes notice for 1st respondent. Ms. Deepa enters appearance for 2nd respondent.

List the matter on **06.11.2026** under the same caption.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

SN/LP/MS/AK