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**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

MA/1290/2019 in CP/699/IB/2017
filed under Section 34(4) of IBC, 2016
r/w Rule 11 of NCLT Rules, 2016

In the matter of ***M/s. Gemini Communication Limited***

S. Kasi Viswanathan,
Liquidator of Gemini Communication Limited
Having office at No: 8, Mahalakshmi Layout,
Subramaniampalayam Road, G.N. Mills Post
Coimbatore,
Tamil Nadu – 641 029

Applicant

CORAM :

**R. VARADHARAJAN, MEMBER (JUDICIAL)
ANIL KUMAR B, MEMBER (TECHNICAL)**

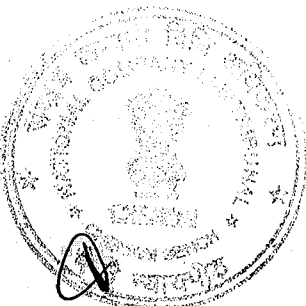
Order Pronounced on 20th February 2020

ORDER

Per: R. VARADHARAJAN, MEMBER (JUDICIAL)

1. The MA/1290/2019 is an Application filed by the Applicant / Liquidator, seeking relief as follows;

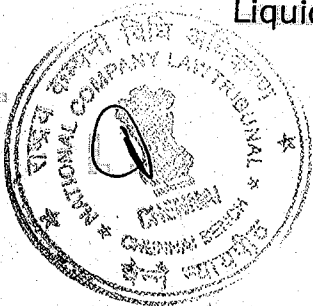
- a. *Pass an order discharging the Applicant as a Liquidator of Gemini Communications Limited and appoint a successor Liquidator replacing the Applicant.*



- b. *Pass an Order of reimbursement of the expenses incurred by the Applicant and to fix up his fees for the period acting as Liquidator.*
- c. *Pass such other or further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.*

3. It is averred in the Application that the Corporate Debtor viz. M/s. Gemini Communications Limited, was ordered for liquidation on 26.02.2019 by this Authority and the Applicant herein was appointed as the Liquidator and from March 2019 till September 2019, the Applicant has been discharging his duties as a Liquidator diligently. It is further averred in the Application that during September 2019, the Applicant suddenly developed severe back pain associated with pain in the shoulder and left hand causing immense suffering and as a result of which, the Applicant was incapacitated from discharging his duties as a Liquidator.

4. It is averred in the Application by the Applicant that the operations of the Corporate Debtor are in Chennai and from March 2019 till date, the Applicant has undertaken around 16 visits and spent around 56 days in Chennai to effectively carry out the Liquidation proceedings, however the Liquidator has been strictly



advised by his doctor not to undertake further travel till the medical problem of the Applicant is cured. It is also averred that in effective discharge of his duties as a Liquidator, the Applicant has filed Application under Section 66 of IBC, 2016 before this Authority and is also prosecuting various cases before different forum.

5. It is further averred in the Application that the Applicant / Liquidator has till date spent a sum of Rs.4,26,396/- towards liquidation expenses and a sum of Rs.2,10,064 was spent out of Liquidator's own fund and still remains unpaid. Further, the Liquidator has also not been paid any professional fees for the period of 7 months for discharging his duty as a Liquidator of the Corporate Debtor. Under the circumstances, the Applicant has filed the present Application seeking an order of discharge as a Liquidator and also to pass an order of reimbursement of the expenses incurred by the Liquidator.

6. This Authority vide order dated 09.12.2019, has directed the members of the CoC / Financial creditors to respond to this Application and to that effect, the Applicant has filed a typed set containing e-mail communications, and a perusal of the same manifest the fact that the Applicant on 30.11.2019 has sent a mail to



all the stakeholders stating *inter alia* about his inability to continue as a Liquidator and requested the stakeholders to suggest the name of a new Liquidator. Thereafter, all the stakeholders has unanimously arrived at a consensus and proposed the name of one Mr. Mathur Sabhapathy Viswanathan to act as the Liquidator of the Corporate Debtor in the place of the Applicant. Further the said Mr. Mathur Sabhapathy Viswanathan has also filed his written consent dated 30.11.2019 to act as a Liquidator for the Corporate Debtor viz. M/s. Gemini Communication Limited.

7. It is also noted that the Applicant herein who was acting as a Liquidator of the Corporate Debtor from March 2019 to till date has filed his status report of the Liquidation process of the Corporate Debtor. Further, in relation to his ill-health, the Applicant has placed on record the Medical Certificate dated 20.10.2019 issued by the Orthopedician. Thus, in view of the necessary grounds being made by the Applicant in relation to his discharge as a Liquidator, this Authority discharges the Applicant as the Liquidator of M/s. Gemini Communication Limited and hereby appoints **Mr. Mathur Sabhapathy Viswanathan** (IBBI/IPA-001/IP-P00674/2017-2018/11148) as the Liquidator of M/s. Gemini Communication Limited and the newly appointed liquidator shall take charge of the



Corporate Debtor and is directed to proceed with the process of liquidation in a manner laid down in chapter III of Part II of the Insolvency and Bankruptcy Code, 2016. In relation to the fees and other expenses which is due and payable to the Applicant herein, the stakeholders of the Corporate Debtor after ratifying the same, shall pay to the Applicant herein, within a period of six weeks from today.

8. Accordingly, the application stands **allowed**.

-SD-

ANIL KUMAR B
MEMBER (TECHNICAL)

Raymond

-SD-

R. VARADHARAJAN
MEMBER (JUDICIAL)

K. Nataraj 20/2/2020



Certified to be True Copy

~~REGISTRAR~~ / DEPUTY REGISTRAR
NATIONAL COMPANY LAW TRIBUNAL
CHENNAI BENCH
CORPORATE BHAVAN, 3rd FLOOR,
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