

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, COURT-I**

**CP (IB) NO. 162 of 2025**

Under Section 10 of the Insolvency and  
Bankruptcy Code, 2016 read with Rule 7(1)  
of the Insolvency and Bankruptcy  
(Application to Adjudication Authority)  
Rules, 2016

**In the matter of**

**Pioneer Channel Factory Private Limited**

CIN: U92120MH1994PTC082104

Having its Registered Office at -

office address at Office No. A-21, 15<sup>th</sup> Floor,

Ghanshyam Industrial Estate,

Off Veera Desai road, Andheri (West),

Mumbai, Maharashtra- 400053

**.... Corporate Applicant**

***Order Delivered On : 10.03.2025***

***Coram:***

Hon'ble Member (Judicial) : Justice V.G. Bisht, (Retd.)

Hon'ble Member (Technical) : Prabhat Kumar

***Appearances:***

For the Corporate Applicant : Raina Birla ,Advocate.

## ORDER

1. This Company Petition is filed under Section 10 of the Insolvency and Bankruptcy Code, 2016 (“**Code**”) read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudication Authority) Rules, 2016 by the Corporate Applicant, seeking to initiate its own Corporate Insolvency Resolution Process (“**CIRP**”). The said application is being preferred by the Corporate Applicant because of the default in repayment of the debt due to the Financial Creditors.

### Brief Facts

2. The Corporate Applicant was incorporated on 18.08.1994 under the Companies Act, 1956. Its registered office is at Having its Registered Office at -A21, 1<sup>st</sup> Floor, Ghanshyam Industrial Estate, Off Veera Desai Road, Andheri (West), Mumbai - 400053. Therefore, this Bench has jurisdiction to entertain and decide the Petition.
3. The Corporate Applicant entered into a Broadcast Airtime Purchase Agreement (“BAPADA”) with Entertainment Television Network Private Limited and Lamhas Entertainment Ltd, both of whom held the broadcast airtime distribution rights for the satellite music channels MTunes and Music Xpress, respectively. These companies possessed the uplinking and downlinking licenses for the channels.
4. The Ministry of Information and Broadcasting had issued licenses to Entertainment Television Network Private Limited for 10 years and 5 years, respectively. Since the permission was granted for 10 years, the Corporate Applicant secured necessary advances from customers to execute various contracts. However, before the expiry of the licenses in 2017, Entertainment Television Network Private Limited and Lamhas Entertainment Ltd applied for renewal before the Ministry of Home Affairs. The renewal was denied without any clarification, resulting in the inability to meet the fundamental requirement of obtaining

permission for the uplinking and downlinking of TV channels. As the Corporate Applicant's business depended on these channels, the non-renewal of licenses rendered its operations non-functional. To sustain its activities, the Corporate Applicant had incurred various operational expenses, availing credit from multiple creditors. However, due to the cancellation of the licenses, it was unable to meet its financial obligations and repay these expenses.

5. Outstanding towards Financial Creditor:

The Corporate Applicant obtained loan services from various entities, amounting to ₹22,58,46,155 (Rupees Twenty-Two Crores Fifty-Eight Lakhs Forty-Six Thousand One Hundred and Fifty-Five only), excluding interest. Additionally, the Corporate Applicant availed services from various individuals and entities for overhead expenses, marketing, and sales. However, as of 31.03.2024, an outstanding amount of ₹7,20,01,042 (Rupees Seven Crores Twenty Lakhs One Thousand and Forty-Two only) remains payable by the Corporate Applicant.

In addition to the aforementioned liabilities, the Corporate Applicant is unable to clear its statutory dues, including Provident Fund, Professional Tax, and the Labour Welfare Fund, amounting to ₹2,25,42,438 (Rupees Two Crores Twenty-Five Lakhs Forty-Two Thousand Four Hundred and Thirty-Eight), as recorded in its books as of 31.03.2024. Furthermore, the exact amount payable to statutory authorities is yet to be determined, as the Corporate Applicant is currently under inquiry and investigation by the CGST & Central Excise Department and the Income Tax Department.

6. The Corporate Applicant states that they are entitled to a refund of Minimum Alternate Tax (MAT) credit from the Income Tax Department, along with other statutory dues. As per the provisions of Section 115JB of the Income Tax Act, 1961, the Corporate Applicant has paid the required Minimum Alternate Tax over time, and a refund

amounting to ₹67,96,175 (Rupees Sixty-Seven Lakhs Ninety-Six Thousand One Hundred Seventy-Five Only) is due from the Income Tax Department. Despite making multiple representations to the department on various occasions, the Corporate Applicant has yet to receive the refund.

7. Further there are various balance which are lying with various statutory authorities to the tune of Rs. 47,25,288/- (Rupees Forty-Seven Lakh Twenty-Five Thousand Two Hundred and Eighty-Eight Only) which despite after several representations to various revenue authorities, the Corporate Applicant has not received the relevant refund from the statutory authorities.
8. The Corporate Applicant has produced audited financial for the period of 2023-2024 and notes to accounts and auditor's report appended to financial statements. These debts are duly reflected therein, thus constituting acknowledgement of debt.
9. The Corporate Applicant has produced audited financial Statement for the period of 2023-2024. These debts are duly reflected therein, thus constituting acknowledgement of debt and notes to accounts and auditor's report appended to financial statements clearly acknowledges the default in payment of debt.
10. The Corporate Applicant has produced Unaudited financial Statement for period ending 31.03.2023 and 31.09.2024.
11. Hence, in view of the irreversible liquidity crunch faced by the Corporate Debtor, the Corporate Debtor has filed the present company petition under section 10 of the Insolvency and Bankruptcy Code, 2016 ('Code') to initiate the Corporate Insolvency Resolution Process of the applicant herein.

## Statutory Compliances

12. The Corporate Applicant has enclosed a copy of Special Resolution passed by the shareholders of the Company in their Extra-Ordinary General Meeting of the Members held on 09.11.2024 for initiating Corporate Insolvency Resolution Process u/s 10 of the Code.
13. The Board of Directors of the Corporate Applicant in their meeting held on 03.02.2024 authorised Mr. Yogesh Radhakrishnan, Director of the Company to take all necessary steps, which includes engaging legal counsel and preparing and filing all necessary documents, to initiate and pursue the corporate insolvency resolution process and submit all documents and pleadings as may be necessary in connection with the corporate insolvency resolution process on behalf of the Company
14. The Corporate Applicant has suggested the name of Mrs. Bharati Manoj Daga for appointment as the Interim Resolution Professional (“**IRP**”). The proposed IRP has also submitted his Consent in Form 2 confirming eligibility and that there are no disciplinary proceedings pending against him.
15. The Corporate Applicant have duly served the copy of the application to the IBBI on 27.12.2024 as per rule 7(2) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016.
16. In compliance of the order dated,12.02.2025, Shri Yogesh Radhakrishnan the director of the Corporate Applicant has filed an additional affidavit dated 01.03.2025 undertaking to make available all the necessary documents /records to the Resolution Professional. The deponent has further undertaken that all the necessary funds required by the Resolution Professional will be made available to him for the smooth running of CIRP Process.
17. After hearing the submissions and upon perusing the supporting documents annexed with the Petition, this Bench is of the considered

view that the application made by the Corporate Applicant is complete in all respects as required by law. It clearly shows that the Corporate Applicant is in default of a debt due and payable, and the default is in excess of minimum amount stipulated under section 4(1) of the IBC, at the relevant time. Therefore, the default stands established and there is no reason to deny the admission of the Petition. In view of this, this Adjudicating Authority **admits** this Petition and orders initiation of CIRP against the Corporate Applicant.

### **Order**

18. The above CP(IB) No. 162 of 2025 is hereby **Admitted** and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against **Pioneer Channel Factory Private Limited**.
19. Mrs. Bharati Manoj Daga having Registration No. IBBI/IPA-001/IP-P-01963/2020-2021/13070, Email Id: bharteedaga1008@gmail.com, is hereby appointed as the IRP of the Corporate Debtor to carry out the functions as mentioned under IBC. The IRP shall carry out functions as contemplated by sections 15, 17, 18, 19, 20 and 21 of the IBC. The fee payable to IRP/RP shall be compliant with Regulations, Circulars and Directions issued by the Insolvency & Bankruptcy Board of India (IBBI) as may be applicable.
20. There shall be a moratorium under Section 14 of the IBC, in regard to the following:
  - i. The institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
  - ii. Transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein;
  - iii. Any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including

- any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002;
- iv. The recovery of any property by an owner or lessor where such property is occupied by or in possession of the Corporate Debtor.
21. Notwithstanding the above, during the period of moratorium: -
- i. The supply of essential goods or services to the corporate debtor, if continuing, shall not be terminated or suspended or interrupted during the moratorium period;
- ii. That the provisions of sub-section (1) of section 14 of the IBC shall not apply to such transactions as may be notified by the Central Government in consultation with any sectoral regulator;
22. The moratorium shall have effect from the date of this order till the completion of the CIRP or until this Adjudicating Authority approves the resolution plan under sub-section (1) of section 31 of the IBC or passes an order for liquidation of Corporate Debtor under section 33 of the IBC, as the case may be.
23. Public announcement of the CIRP shall be made immediately as specified under section 13 of the IBC read with regulation 6 of the Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
24. During the CIRP Period, the management of the Corporate Debtor shall vest in the IRP or, as the case may be, the RP in terms of section 17 of the IBC. The officers and managers of the Corporate Debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP within a period of one week from the date of receipt of this Order, in default of which coercive steps will follow.
25. The Corporate Applicant shall deposit a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only) till the formation of Committee of Creditors plus out of pocket expenses with the IRP to meet the expenses

arising out of issuing public notice and inviting claims. These expenses are subject to approval by the Committee of Creditors (CoC).

26. The Registry is directed to communicate this Order to the Corporate Applicant and the IRP by Speed Post and email immediately, and in any case, not later than two days from the date of this Order.
27. A copy of this Order be sent to the Registrar of Companies, Mumbai, Maharashtra, for updating the Master Data of the Corporate Debtor. The said Registrar of Companies shall send a compliance report in this regard to the Registry of this Court within **seven days** from the date of receipt of a copy of this order.
28. Ordered accordingly.

**PRABHAT KUMAR**  
**MEMBER (TECHNICAL)**

**JUSTICE V. G. BISHT**  
**MEMBER (JUDICIAL)**