

IN THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH
CUTTACK

CP (IB) No. 8/CB/2021

In the Matter of:

An application under Section 10 of the Insolvency and Bankruptcy Code, 2016 read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016;

And

In the Matter of:

Y. Pani and Company Pvt. Ltd., a company incorporated under the Companies Act, 1956 having its Registered Office situated at: A-1, Banaphool House, Budha Nagar, Bhubaneswar – 751 006, Odisha.

... Corporate Applicant/Corporate Debtor

Coram:

Shri Rajasekhar V.K.	:	Member (Judicial)
Shri Satya Ranjan Prasad	:	Member (Technical)

Appearances (through video conferencing)

For the applicant:	:	Mr. Siva Sankar Chaini, Advocate.
--------------------	---	-----------------------------------

Order reserved on: 26.07.2021

Order pronounced on: 13.09.2021

ORDER

Per: Rajasekhar V.K., Member (Judicial)

1. This application has been filed by **Y. Pani and Company Pvt. Ltd.** under Section 10 of Insolvency and Bankruptcy Code, 2016 to initiate Corporate Insolvency Resolution Process (CIRP) against itself as the Corporate Person

Sd _____

is unable to pay the debt of ₹7,97,73,547/- (Rupees seven crore ninety-seven lakh seventy-three thousand five hundred and forty-seven only).

2. The Registered Office of the Corporate Debtor is situated at A-1, Banaphool House, Budha Nagar, Bhubaneswar 751 006, in the State of Odisha, within the jurisdiction of this Adjudicating Authority.
3. The applicant was incorporated on 15.01.1990 as a private limited company with a main objective of lodging, boarding and restaurant business. The applicant submits that it has requisite infrastructure to run the business. The brief facts are that Hotel "Raaz" which is situated at village Angul Town, Tahsil – Angul, Khata No. – 335, Plot No. – 779/1864, area – A0.440 decimal. This asset was taken possession of by the Orissa State Financial Corporation, Cuttack on 28.06.2019. The original owner of the land is Radha Prasad and the owner was running a hotel business in the name of *Hotel Suni Resorts Pvt. Ltd* and was seized by the Orissa State Financial Corporation, Cuttack. These assets were handed over to the corporate applicant on 15.01.1990 with a copy of leave and license agreement on 31.03.1990.
4. On 31.01.1995, the Orissa State Financial Corporation informed the applicant to sell the unit to the petitioner for ₹36,00,000/- which inclusive of total loan amount ₹90,164.27/- with interest @ 12.5% per annum for purchase of hotel and for development of hotel and auction sale was made on 13.01.1995.
5. The Orissa State Financial Corporation handed over the possession to the corporate applicant and the entire loan was rescheduled by the Orissa State Financial Corporation but the shoo possession was not been given. On 30.12.2019, the Orissa State Financial Corporation for One Time Settlement (OTS) sent letter for depositing ₹6,39,41,000/- and after that the applicant had taken loan to the tune of ₹1,06,57,000/- from Guru Empires for repayment of loan and taking time from the Orissa State Financial

Corporation to arrange the money. However, the applicant was not able to arrange the money to repay the loan.

6. The applicant submits that it has an excellent track record and infrastructure for the smooth functioning of the business. Therefore, the applicant is confident that it can be revived and rehabilitated under the aegis and supervision of the regime in place under the Code.
7. The Board of Directors' meeting was held on 02.01.2021 and the Extra Ordinary General Body Meeting of the Shareholders was held on 25.01.2021. In both the Meeting, unanimously passed resolution to approach this Adjudicating Authority for initiation of Corporate Insolvency Resolution Process. The applicant has enclosed the copies of Audited Financial Statements for the two Financial Year as on 31.03.2019 and 31.03.2020 along with the application.
8. For appointment as Insolvency Resolution Professional, the Corporate Applicant has suggested the name of one Mr. Umesh Chandra Sahoo resident of Plot No.4, Snow Drop Apartment, Jharpada, Cuttack Road, Bhubaneswar, Khurda 751 006 having Registration No. IBBI/IPA-002/IP-N00621/2018-19/ 11855 and Email – info@nayadarshan.com. This application is **ADMITTED** by following order.

ORDER

- (i) This application filed by the Corporate Applicant under Section 10 of the Insolvency & Bankruptcy Code, 2016 is hereby **ADMITTED** for initiating the Corporate Insolvency Resolution Process against **Y. Pani and Company Pvt. Ltd.** (Corporate Applicant/Corporate Debtor). Moratorium order is passed for a public announcement as stated in Section 13 of the IBC, 2016.

Sd. _____

- (ii) The moratorium is declared for the purposes referred to in Section 14 of the Insolvency & Bankruptcy Code, 2016. The IRP shall cause a public announcement of the initiation of Corporate Insolvency Resolution Process and call for the submission of claims under Section 15. The public announcement referred to in clause (b) of sub-Section (1) of Insolvency & Bankruptcy Code, 2016 shall be made immediately.
- (iii) Moratorium under Section 14 of the Insolvency & Bankruptcy Code, 2016 prohibits the following: -
- (1) 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;
 - (2) Transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein;
 - (3) 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 Act, 2002;
 - (4) The recovery of any property by an owner or lessor where such property is occupied by or in possession of the Corporate Debtor.
- (iv) The supply of essential goods or services to the Corporate Debtor as may be specified shall not be terminated or suspended or interrupted during the moratorium period.
- (v) The provisions of sub-Section (1) shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

Sd

- (vi) The order of moratorium shall take effect the date of admission till the completion of the Corporate Insolvency Resolution Process.
- (vii) At any time during the Corporate Insolvency Resolution Process period, if the Adjudicating Authority approves the Resolution Plan under sub-section (1) of sec.31 or passes an order for liquidation of Corporate Debtor under section 33, the moratorium shall cease to have effect from the date of such approval or liquidation order, as the case may be.
- (viii) Necessary public announcement as per Section 15 of the IBC, 2016 may be made by the Resolution Professional upon receipt of the copy of this order.
- (ix) Mr. Umesh Chandra Sahoo registered with the ICSI Insolvency Professionals Agency having having Registration No. IBBI/IPA-002/IP-N00621/2018-19/11855 resident of Plot No. – 4, Snow Drop Apartment, Jharpada, Cuttack Road, Bhubaneswar, Khurda – 751 006 having E-mail Id – info@nayadarshan.com is appointed as Interim Resolution Professional for ascertaining the particulars of creditors and convening a meeting of the Committee of Creditors for evolving a Resolution Plan.
- (x) The Resolution Professional shall conduct CIRP in time bound manner as per Regulation 40A of IBBI (Insolvency Resolution Process for Corporate Persons) Regulation, 2016.
- (xi) The Interim Resolution Professional should convene a meeting of the Committee of Creditors and submit the resolution passed by the Committee of Creditors.

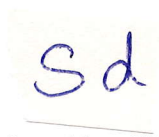
Sd _____

IN THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH

CP (IB) No. 8/CB/2021
In re: CIRP of Y. PANI & COMPANY PVT. LTD.

- (xii) IA No. 23/CB/2021 connected with CP (IB) No. 8/CB/2021 and IA No. 61/CB/2021 connected with CP (IB) No. 8/CB/2021 filed for urgent hearing are **CLOSED**.
- (xiii) Registry is hereby directed to communicate the order to the Corporate Applicant/Corporate Debtor and to the Interim Resolution Professional by Speed Post as well as through E-mail.
- (xiv) Interim Resolution Professional to file 1st progress report on 10.11.2021.
- (xv) Let the certified copy of the order be issued upon compliance with requisite formalities.


Satya Ranjan Prasad
Member (Technical)


Rajasekhar V.K.
Member (Judicial)

Signed this, the 13th day of September, 2021

Santosh_P.S.