

**IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH  
COURT III**

**C.P. No. 3691/IBC/MB/2019**

Under Section 7 of the Insolvency and  
Bankruptcy Code, 2016 read with  
Rule 4 of the Insolvency and  
Bankruptcy (Application to  
Adjudication Authority) Rule 2016)

*In the matter of*

**Segan Consultancy Services  
Private Limited**

405, 4<sup>th</sup> Floor, Thacker Tower Co-Op  
Society Ltd. Plot No. 86, Sector-17,  
Vashi, Navi Mumbai 400703

**.....Financial Creditor**

**Vs**

**Poets Lovers and Lunatics Motion  
Pictures Private Limited.**

(CIN: U92412MH2013PTC239429)

Registered office at: Office No. 001  
B101, Basement Satyadev Plaza,  
Link Road, Andheri (Est) Mumbai-  
400058

**.....Corporate Debtor**

**Order delivered on: 06.10.2021**

**Coram:**

Hon'ble Shri H.V. Subba Rao, Member (Judicial)  
Hon'ble Shri Chandra Bhan Singh, Member (Technical)

**For the Applicant:** Ms. Pragra Navandar, Advocate

**For the Respondent:** Mr. Swapnil Balaji, Advocate

***Per: Shri Chandra Bhan Singh, Member (Technical)***

**ORDER**

1. This Company petition is filed by *Segan Consultancy Services Private Limited*. (hereinafter called “Financial Creditor”) seeking to initiate Corporate Insolvency Resolution Process (CIRP) against *Poets Lovers and Lunatics Motion Pictures Private Limited* (hereinafter called “Corporate Debtor”) by invoking the provisions of Section 7 Insolvency and bankruptcy code (hereinafter called “Code”) read with Rule 4 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for a Resolution of Financial Debt of Rs. 2,20,01,345/- (Principal amount of Rs. 1,38,50,00/- + Interest of Rs. 81,51,345/-).

**BRIEF FACTS OF THE CASE**

2. The Financial Creditor and Corporate Debtor entered into an agreement as on 01.04.2017. The Financial Creditor disbursed amount of Rs. 1,43,00,000/- as per bank statement. The Financial Creditor further submits that till date of this petition one instalment of principal amount and two instalments of interest payment has been received from the Corporate Debtor. The amount payable as on 31.08.2019 is Rs. 2,20,01,345/- including interest. Hence the Financial Creditor filed this petition.

**FINDINGS**

1. This Company petition is filed by *Segan Consultancy Services Private Limited*. (hereinafter called “Financial Creditor”) seeking to initiate Corporate Insolvency Resolution Process (CIRP) against *Poets Lovers and Lunatics Motion Pictures Private Limited* (hereinafter called “Corporate Debtor”) by invoking the provisions of Section 7 Insolvency and bankruptcy code (hereinafter called “Code”)

read with Rule 4 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

2. The Bench further notes that the matter was listed on various occasions namely 23.10.2019, 19.11.2019, 16.12.2019, 03.02.2020, 27.02.2020, 03.02.2021, 10.03.2021, 05.07.2021, 27.07.2021 and 10.08.2021. The Bench further notes that on 27.02.2020, Mr. Swapnil Balajewale, counsel for the corporate debtor was present and fairly accepts the claims in the petition and seeks time to settle the matter amicably with the Financial Creditor. Further, Ample opportunity was given to the Corporate Debtor to file its reply. The Corporate Debtor not only failed to file reply but also failed to make any oral/written submissions before this Bench. Therefore, the Corporate Debtor was set ex-parte vide an order of this Bench dated 05.07.2021. The Bench further notes that the matter was again listed on Board on 27.07.2021 for ex-parte hearing. On that day Mr. Swapnil Balajiwal was present and this bench passed the order directing the respondent to file Vakaltnama and reply within one week and the matter was posted on 10.08.2021.
3. The Bench further notes that on that day the Corporate Debtor did not choose to file any reply contesting above Company Petition and also did not comply the conditional order dated 27.07.2021 wherein he was directed to file reply. Therefore, the Corporate Debtor's right to file reply was forfeited.
4. Heard the counsel appearing for the Financial Creditor. The counsel appearing for the Financial Creditor invited the attention of this Tribunal to the relevant documents filed in proof of debt and default in support of above

company petition. Since the Respondent/Corporate Debtor did not file any reply, the claim of the Financial Creditor remains unchallenged.

5. The Financial Creditor successfully proved the existence of the debt and default and the debt is also within limitation. The petitioner has also suggested the name of proposed Interim Resolution Professional in part-3 of the Petition along with his consent letter in Form-2. Thus, the present Company Petition satisfies all the necessary requirements for admission.
6. Under these circumstances, this tribunal is of the considered opinion that the above company petition is liable to be admitted and accordingly the above Company Petition is admitted by passing the following:

**ORDER**

- a. The above Company Petition No. (IB) -3691(MB)/2019 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against Poets Lovers and Lunatics Motion Pictures Private Limited.
- b. This Bench hereby appoints **Pramod N. Mulgund** (Pramod.mulgund@gmail.com), Insolvency Professional, Registration No: IBBI/IPA-001/IP-P01374/2018-2019/12156 having registered office at: A-303, Birchwood Tower, Main Street, Behind Haiko Mall, Hiranandani Gardens, Powai, Mumbai- 400076 as the interim resolution professional to carry out the functions as mentioned under the Insolvency & Bankruptcy Code, 2016.
- c. The Financial Creditor shall deposit an amount of Rs.5 Lakh towards the initial CIRP cost by way of a Demand Draft drawn in favour of the Interim Resolution

Professional appointed herein, immediately upon communication of this Order.

- d. That this Bench hereby prohibits 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; transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein; 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 Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.
- e. That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- f. That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- g. That the order of moratorium shall have effect from the date of pronouncement of this order till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of corporate debtor under section 33, as the case may be.

- h. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
- i. During the CIRP period, the management of the corporate debtor will vest in the IRP/RP. The suspended directors and employees of the corporate debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP/RP.
- j. Registry shall send a copy of this order to the Registrar of Companies, Mumbai, for updating the Master Data of the Corporate Debtor.

Accordingly, this Petition is admitted.

The Registry is hereby directed to communicate this order to both the parties and to IRP immediately.

**Sd/-**

**CHANDRA BHAN SINGH**  
**MEMBER (TECHNICAL)**

**Sd/-**

**H.V. SUBBA RAO**  
**MEMBER (JUDICIAL)**