

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

C.P. No.3608/I&BP/2019

Under section 8 &9 of the IBC, 2016

In the matter of

Hemant Shah & Associates LLP

Office No. 304, Jai Ganesh Vishwa,  
Vishrantwadi Square, Pune – 411 015

.... Petitioner

v/s.

Lanna Wellness Private Limited

B-110, Gera Garden Condominium, near  
St. Mira's College, Koregaon Park, Pune –  
411 001

.... Corporate Debtor

Order delivered on: 16.12.2019

Coram: Hon'ble Smt. Suchitra Kanuparthi, Member (Judicial)

Hon'ble Shri V. Nallasenapathy, Member (Technical)

For the Petitioner : Ms. Raina Birla, Advocate.

For the Corporate Debtor: Mr. Arun Kharat, Director of Lanna Wellness Pvt. Ltd.

*Per:Suchitra Kanuparthi, Member (J)*

ORDER

1. This company Petition is filed by Hemant Shah & Associates LLP (hereinafter called "Petitioner") seeking to set in motion the Corporate Insolvency Resolution Process (CIRP) against Lanna Wellness Private Limited (hereinafter called "Corporate Debtor") alleging that the Corporate Debtor committed default on 05.08.2019 in making payment of Rs. 2,11,520/- including interest @24% p.a., by invoking the provisions of Section 8 and 9 of the

Insolvency & Bankruptcy Code (hereinafter called "Code") read with Rule 5 and 6 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

2. The Petition reveals that the Petitioner had provided auditing services to the Corporate Debtor and raised 50 invoices amounting to Rs. 1,82,310/- from 04.04.2018 to 08.06.2019. The Petitioner enclosed the details of invoices raised at page 77 of the petition which are not paid by the Corporate Debtor.

3. The counsel for the Petitioner further stated that the Petitioner sent several reminders to the Corporate Debtor for demanding the outstanding dues, but the Corporate Debtor failed to pay the outstanding dues. On 10.08.2019, the Petitioner issued demand notice, demanding a sum of Rs. 2,11,520/-including interest, under Section 8 of the Code. However, there was no reply from the Corporate Debtor for the demand notice and the Petitioner has filed affidavit as required under Section 9(3)(b) of the Code stating that there was no notice of dispute given by the Corporate Debtor.

4. The outstanding amount that is in default is more than Rs. 1,00,000/-. The petition filed by the Petitioner is on proper Form 5, as prescribed under the Adjudicating Authority Rules and application is complete.

5. On 23.10.2019, during the hearing of this matter one Mr. Arun Kharat, Director of the Corporate Debtor appeared before this Bench and admitted the liability and default and hence there is no objection for admission of the Petition by the Corporate Debtor.

6. One Mr. Laxman Digambar Pawar, office at 15 & 16, Bhakti Complex, 1<sup>st</sup> Floor, behind Dr. Ambedkar Statue, Pimpri, Pune – 411 018; having Registration No. IBBI/IPA-003/IP-N00015/2017-18/1004 has given his consent in Form No. 2 to act as an Interim Resolution Professional.

7. This Bench having been satisfied with the petition filed by the Petitioner which is in compliance of provisions of Section 8 & 9 of the Code admits this petition declaring Moratorium with the directions as mentioned below:

- (a) that this bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgement, decree or other in any court of law; 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.
- (b) 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.
- (c) 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.
- (d) that the order of moratorium shall have effect from 16.12.2019 till the completion of the CIRP 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.
- (e) that the public announcement of the CIRP shall be made immediately as specified under Section 13 of the Code.
- (f) that this Bench hereby appoints Mr. Laxman Digambar Pawar, office at 15 & 16, Bhakti Complex, 1<sup>st</sup> Floor, behind Dr. Ambedkar Statue, Pimpri, Pune – 411 018; having Registration No. IBBI/IPA-003/IP-N00015/2017-18/1004as Interim Resolution Professional to carry the functions as mentioned under the Code.

8. The Registry is hereby directed to communicate this order to both the parties and to the Interim Resolution Professional immediately.

SD/-

V. Nallasenapathy  
Member (Technical)

SD/-

Suchitra Kanuparthi  
Member (Judicial)