

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

4. IA/2589/2025 C.P. (IB)/939(MB)2020

IN THE MATTER OF

Abhyudaya Cooperative Bank Ltd

Vs

Mithila Cars Pvt Ltd

U/s 7 of the Insolvency and Bankruptcy Code, 2016

Order Delivered on 15.05.2026

CORAM:

SH. NILESH SHARMA
MEMBER (J)

SH. CHARANJEET SINGH GULATI
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:

For the Petitioner:

For the Respondent:

ORDER

IA/2589/2025: The above IA is listed for pronouncement of the order. The same is pronounced in open court, vide a separate order.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)
//Rahul//

Sd/-
NILESH SHARMA
Member (Judicial)

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBI BENCH, COURT - V**

**I.A. No.2589/MB/2025
IN
C.P. NO. 939(IB)/MB/2020**

(Under Section 60(5) of the Insolvency and Bankruptcy Code, 2016, read with Regulation 45 of The Insolvency And Bankruptcy Board of India (Liquidation Process) Regulations, 2016.)

M/s. Stress Credit Resolution Private Limited

(IPE having IBBI Reg. No.: IBBI/IPE/0094 through its Authorized Signatory Mr. Sandeep D. Maheshwari)

Having his address at:

12, Kakkad Corner Below Hotel Sun-N-Sheel Kondivita Road Andheri East Mumbai - 400059.

Email: admin@stresscredit.com

...Applicant/Liquidator

IN THE MATTER OF:

M/s. Abhyudaya Cooperative Bank Ltd.

...Financial Creditor

Versus

M/s. Mithila Cars Private Limited

...Corporate Debtor

Order Delivered on: 15.05.2026

Coram:

Hon'ble Sh. Nilesh Sharma, Member (Judicial)

Hon'ble Sh. Charanjeet Singh Gulati, Member (Technical)

Appearances:

For the Applicant: Adv. Sneha Nandgaonkar (VC)
For the Liquidator: Niyati Marchant i/b Aditya Mishra (PH)
For the Successful Bidder: Adv Manoj Mishra (VC)

ORDER

1. The present application has been filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (**'the Code'**) read with Regulation 45 of The Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, by M/s. Stress Credit Resolution Private Limited (**'Applicant'**/ **'Liquidator'**). The Applicant seeks to place on record the final report along with Form H in the liquidation process of the Corporate Debtor, and to obtain discharge from its duties as Liquidator, along with closure of the liquidation process of the Corporate Debtor.

Commencement of CIRP

2. This Tribunal vide order dated 30.04.2021 passed in C.P. No. 939/IBC/NCLT /MB/MAH/2020, initiated Corporate Insolvency Resolution Process (**"CIRP"**) of Mithila Cars Private Limited (**"Corporate Debtor"**) and Ms. Prajakta Menezes was appointed as the Interim Resolution Professional (**"IRP"**).

Initiation of Liquidation Process

3. This Tribunal vide order dated 18.04.2022 passed in I.A. No. (IBC)/2622(MB)2021 initiated liquidation process of the Corporate Debtor. Thereafter, this Tribunal vide order dated 05.02.2024, appointed Stress Credit Resolution Private Limited (**"Applicant"**) as the Liquidator.
4. The Liquidator, in accordance with Regulation 12 of the IBBI (Liquidation Process) Regulations, 2016, issued a public announcement in Form B on 22.06.2022, inviting claims from all creditors. The last date for submission of claims was 20.07.2022. The announcement was published in the Mumbai Lakshadeep and Active Times newspapers.

List of Stakeholders

5. The erstwhile Liquidator in accordance with Regulation 31 of the IBBI (Liquidation Process) Regulations, 2016, filed the list of stakeholders with this Tribunal on 29.08.2024, which included 2 financial creditors and 2 operational creditors. Thereafter, the erstwhile Liquidator in accordance with Regulation 31A (1) constituted Stakeholders Consultation Committee (“**SCC**”), consisting of 2 financial creditors.

Assets of the Corporate Debtor

6. The Applicant has submitted that certain assets being plant & machinery and other movable assets were sold by the erstwhile liquidator during his tenure and the proceeds realized from such sale were distributed as per Section 53 of the Insolvency and Bankruptcy Code, 2016. The same was intimated to this Tribunal in the progress reports filed as per Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016. Upon change of liquidator vide order dated 5th February 2024, the present liquidator only received leasehold land & building (secured to Asrec (India) Limited) as the sole fixed asset remaining in the Corporate Debtor. Thus, the Applicant has only dealt with the liquidation value of the leasehold land and building as per the valuation conducted under Regulation 35 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 during the corporate insolvency resolution process of the Corporate Debtor.
7. In accordance with Regulation 35(4) of the IBBI (Liquidation Process) Regulations, 2016, the average liquidation value of the Corporate Debtor was determined as Rs. 8,83,78,508/- as on the liquidation commencement date.
8. Based on the details set out in Form H, it is observed that, pursuant to the order dated 05.02.2024 effecting the change of liquidator and upon handing over of the assets to the Applicant, the liquidation value of the remaining liquidation estate stands at Rs. 7,83,46,500/-. The liquidation value has been derived from the valuation conducted during CIRP and no fresh valuation was conducted during the liquidation process.

Sale of Corporate Debtor as a Going Concern

9. It is submitted that the erstwhile liquidator conducted 2 e-auctions dated 28th October 2022 and 04.02.2023 for the sale of cars and inventory, however, as no Earnest Money Deposit (EMD) was submitted by the bidders, the said auctions were rendered unsuccessful. After the 2nd e-auction was rendered unsuccessful, the cars were sold via private sale by the erstwhile liquidator. The spare parts and scrap were also sold to the same buyer, and the sale proceeds were received in the Liquidation Account.
10. The Applicant made publication of third e-auction notice on 28.07.2024 for the remaining asset i.e., leasehold land and building, however, in the absence of bid documents, the third e-auction process was rendered unsuccessful.
11. The notice of the 4th e-auction was published on 28th August 2024. The Applicant received EOIs from two prospective buyers, who were further classified as 'Qualified Bidders' viz. M/ s Space Realtors Private Limited for Block A (Sale of CD as a going concern) and Mukesh Enterprises for Block B (Leasehold land & building). Subsequently, EMD was received from only one of Qualified Bidders being M/s Space Realtors Private Limited who, at the 4th e-auction held on 23rd September 2024, submitted a total bid of Rs. 8,00,00,000/- for Block A as against the reserve price of Rs. 8,00,00,000/-. Accordingly, M/ s Space Realtors Private Limited was declared as the successful bidder and the Applicant issued a Letter of Intent (LOI) dated 25th September 2024.
12. The Applicant received 100% of the bid amount including interest on delayed payments from the successful bidder in the following manner:

Date	Amount received from successful bidder
21.09.2024	80,00,000
12.12.2024	1,50,00,000
16.12.2024	1,25,00,000

16.12.2024	1,50,00,000
17.12.2024	1,50,00,000
18.12.2024	1,45,00,000
31.12.2024	12,22,295 (interest on delayed payment)
Total	8,12,22,295

13. All the remaining assets of the Corporate Debtor have been sold, and liquidation proceeds have been realized by the Applicant. There are no assets remaining to be sold and realized in accordance with the asset memorandum prepared and filed by the erstwhile liquidator.
14. Further, the Applicant has distributed the liquidation proceeds to the stakeholders in accordance with Section 53 of the Code and settled the list of stakeholders as follows:

Particulars	Amount (INR)
Amount realized from the sale of Corporate Debtor as a going concern (incl. interest)	8,12,22,295
Balance in liquidation account (excl. sale proceeds)	2,87,186
Total amount realized by the present liquidator	8,15,09,481
Less: Amount deposited with IBBI towards contingent EPFO and allied dues (See note 1 below)	13,49,016
Total amount available for the distribution u/s 53(1)(a) of the code	8,01,60,465
Less: Unpaid CIRP cost paid by the present liquidator (See note 2 below)	2,06,909
Less: Liquidation cost (See notes 2 and 3 below) (Amount paid by liquidator: Rs. 21,51,850/- Amount paid by successful bidder: Rs. 4,75,574/-	26,74,404

Less: Workmen Dues (Claim: NIL)	0
Less: Secured Creditor	7,72,79,152
(i) Amount paid to Asrec (India) Limited (Admitted Claim: Rs. 43,77,33,286)	
Available amount for other creditors	0

Notes:

1) *Paid on priority and in full; Since no claim was received during the process, the present liquidator has set aside the amount as per the books of the Corporate Debtor and transferred the same to the Corporate Liquidation Account maintained by IBBI.*

2) *During the tenure of the present liquidator, an amount of Rs. 7,72,79,152/- was paid to Asrec (India) Limited, the sole Secured Financial Creditor on 5th February 2025, as the extension granted by the Hon'ble Tribunal was set to expire on 4th February 2025. However, Asrec (India) Limited subsequently instructed the present liquidator to withhold the filing of application for closure of liquidation process due to an unresolved dispute concerning the outstanding Corporate Insolvency Resolution Process (CIRP) cost with the erstwhile Resolution Professional (RP), which remained unresolved until the end of March 2025.*

Since the issue between Asrec (India) Limited and the erstwhile RP was resolved only after more than two months, the present liquidator is now filing the present report along with Form H seeking closure of the liquidation process. In light of the above, the present liquidator has rendered services beyond January 2025 up to March 2025 i.e., additional two months, the fee for which is now recoverable from the amount already distributed to Asrec (India) Limited.

The amount recoverable from the Asrec (India) limited can be derived as follows:

Liquidation cost incurred after distribution to Asrec (India) limited	Amount (incl. GST)
<i>Present liquidator fees (Feb & March 2025)</i>	59,000
<i>Bank charges (auto debited)</i>	246
<i>GST saved (on fee of the professional appointed to provide the audited receipts and payments - as the professional is not registered under GST)</i>	(1,800)
Final Amount recoverable from Asrec (India) limited & payable to the successful bidder	57,446

3) Further, a liquidation expense of Rs. 4,75,574/- was incurred by the successful bidder during the liquidation process, which is required to be reimbursed. Accordingly, the amount of Rs. 4,18,128/- has been retained in the liquidation bank account which shall be handed over to the successful bidder and the balance amount of Rs. 57,446/- shall be recoverable from Asrec (India) Limited.

The sale proceeds from liquidation were not sufficient to even satisfy the claim of the secured financial creditor. Hence, no amount could be paid to the other stakeholders as per section 53 of the Code.

15. It is submitted that as per the preliminary report filed by the erstwhile liquidator, the estimated cost of the liquidation of the Corporate Debtor (excluding taxes and out of pocket expenses) for a period of 12 months was Rs. 12,65,500/-. However, the liquidation costs have exceeded the initially estimated amount due to extension of liquidation process beyond one year from the liquidation commencement date. Accordingly, the total liquidation cost incurred by the Applicant amounts to Rs. 29,41,163/-.

Filing of Necessary Reports

16. In compliance with Regulation 13 and 34(4) of the IBBI (Liquidation Process) Regulations, 2016, the erstwhile liquidator filed the preliminary report and asset memorandum report before this Tribunal on 3rd September 2022.

17. In compliance with Regulation 15 of IBBI (Liquidation Process) Regulations, 2016 the erstwhile liquidator filed the following progress reports during the liquidation process:

Sr. No.	Progress Report	Quarter	E-filing Date
1.	1 st Progress Report	April- June 2022 (09/06/2022 to 30/06/2022)	13/07/2022
2.	2 nd Progress Report	July - September 2022	15/10/2022
3.	3 rd Progress Report	October – December 2022	13/01/2023
4.	4 th Progress Report	January - March 2023	13/04/2023
5.	5 th Progress Report	April- June 2023	15/07/2023
6.	6 th Progress Report	July - September 2023	27/11/2023
7.	7 th Progress Report	October – December 2023	15/01/2024
8.	8 th Progress Report	January to February 2024 (01/01/2024 to 14/02/2024)	15/03/2024

The list of Progress Reports filed by the present Liquidator is given below:

Sr. No.	Progress Report	Quarter	Application No.	E-filing Date
1.	9 th Progress Report	February to March 2024 (16/02/2024 to 31/03/2024)	IA 2844/2024	16/05/2024
2.	10 th Progress Report	April to June 2024	IA (LIQ.) Progress Report/223/2025	01/10/2024
3.	11 th Progress Report	July to September 2024	IA (LIQ.) Progress Report/144/2025	17/10/2024
4.	12 th Progress Report	October to December 2024	IA (LIQ.) Progress Report/223/2025	15/10/2025

5.	13 th Progress Report	January to March 2025		
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18. The present liquidator, upon taking hand-over from the erstwhile liquidator, received the latest audited financial statements for the year ended 31st March 2020. Due to the non-availability of past records of the Corporate Debtor beyond FY 2019-20 as well as statutory login credentials, including but not limited to Income Tax and GST, the present liquidator has been unable to file the updated financial statements or statutory returns of the Corporate Debtor. The present liquidator took efforts to reset the Income Tax login credentials by addressing the issue to the Income Tax Department through emails dated 10th January 2025, 4th February 2025, and 13th February 2025. However, as of date, the issue remains unresolved.
19. The Final Report as per Regulation 45 of the IBBI Liquidation Regulations, 2016 is submitted by the Liquidator along with this Application. Further, the compliance certificate in Form H field under Regulation 45(3) of the said Liquidation Regulation is also annexed to this Application.

Completion of Liquidation Process of the Corporate Debtor

20. The erstwhile liquidator handed over the liquidation account to the present liquidator on 16th February 2024, details of which are as under:

Account Name	Mithila Cars Private Limited
Account No.	000312100125504
Bank	Bharat Co-operative Bank (Mumbai) Limited
Branch	Goregaon East Branch, Mumbai
IFSC	BCBM0000004

The Applicant has submitted that there is a credit balance of Rs. 4,18,128/- in the liquidation account of the Corporate Debtor as on 7th April 2025.

21. Furthermore, pursuant to order of this Tribunal dated 07.07.2025, the Liquidator has filed an additional affidavit placing on record the receipt and payment statement for the period 16.02.2024 to 31.03.2025, certified by a Chartered Accountant. The statement reflects a closing balance of Rs. 4,18,127.92, which has been handed over to the successful bidder. Further, a bank closure certificate dated 25.07.2025 has been filed, confirming that the Corporate Debtor's bank account (No. 000312100125504) has been closed on 24.07.2025.
22. On perusal of the Form H, it is noted that, no PUFÉ transactions were determined by the Liquidator/stakeholders and hence, no such applications are filed/pending before this Tribunal.

ORDER

23. Heard the Counsel for the Liquidator and perused the records.
24. At this juncture, it is relevant to take note of the Regulation 45(3) of the IBBI (Liquidation Process) Regulations, 2016, which is as under:

“Regulation 45: Final report prior to dissolution.

(1) When the corporate debtor is liquidated, the liquidator shall make an account of the liquidation, showing how it has been conducted and how the corporate debtor's assets have been liquidated.

(2) If the liquidation cost exceeds the estimated liquidation cost provided in the Preliminary Report, the liquidator shall explain the reasons for the same.

[(3) The liquidator shall submit an application along with the final report and the compliance certificate in form H to the Adjudicating Authority for –

*(a) **closure of the liquidation process of the corporate debtor where the corporate debtor is sold as a going concern [or a compromise or arrangement has been sanctioned under [section 230](#) of the Companies Act, 2013]; or***

(b) for the dissolution of the corporate debtor, in cases not covered under clause (a).”

[Emphasis Supplied]

25. From the perusal of the Application along with the final report and the Compliance Certificate filed in Form-H by the Liquidator, it is seen that the Corporate Debtor has been successfully sold as a going concern to the successful bidder.
26. In view thereof, we are inclined to allow the present application under Regulation 45(3)(a) of the Liquidation Regulations, 2016.
27. Accordingly, we hereby order closure of liquidation proceedings of the Corporate Debtor i.e. **Mithila Cars Private Limited** with the following directions:
- i. Liquidation proceedings of the Corporate Debtor stands closed from the date of this order.
 - ii. The Liquidator, **M/s. Stress Credit Resolution Private Limited**, is discharged from his duties and responsibilities as the Liquidator of the Corporate Debtor.
 - iii. The Liquidator and the Registry are directed to forward a copy of this Order to the concerned authorities and the Registrar of Companies having jurisdiction and also to the IBBI, within 7 (seven) days from the date of receipt of this order, for further necessary action as prescribed under Law.
28. Accordingly, the I.A. No. 2589 of 2025 is hereby **allowed** and **disposed of** and C.P. No. 939 of 2020 is hereby **closed**.
29. Files to be consigned to records.

Sd/-

Charanjeet Singh Gulati
Member (Technical)

Omkar, LRA

Sd/-

Nilesh Sharma
Member (Judicial)