

**In the National Company Law Tribunal  
Kolkata Bench  
Kolkata**

**CORAM: Shri Madan. B. Gosavi, Member(Judicial)  
&  
Shri Virendra Kumar Gupta, Member(Technical)**

**C.P.(IB)No.720/KB/2017**

**In the Matter of:**

An application under Section 10 of the Insolvency and Bankruptcy Code, 2016;

**-And-**

**In the Matter of:**

Bihar State Construction Corporation Limited, a Government of Bihar undertaking company having its registered office at Khawaja Imli, Anishabad, Patna – 800002 through its **Managing Director, Mr. Anjani Kumar Singh.**

**....Corporate Person/Petitioner**

**Counsels appeared:**

For Bihar State Construction Corporation Ltd.

1. Dr. Anand Kumar

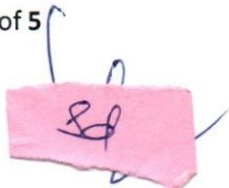
For the Petitioner

1. Mr. Surendra Kumar, Advocate

For the employees

1. Mr. Ashok Prasad, Advocate

Date of pronouncement of order: 16<sup>th</sup> October, 2019

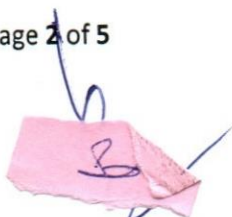


## ORDER

### Per Shri M.B Gosavi, Member (J):

1. **Bihar State Construction Corporation Limited** – the Corporate Person filed this application under Section 10 of Insolvency and Bankruptcy Code, 2016 to start its Corporate Insolvency Resolution Process (in short "CIRP") on the ground that the corporate person is unable to pay its debt of Rs. 104,16,98,874/- (Rupees One Hundred Four Crores Sixteen Lakhs Ninty Eight Thousand Eight Hundred and Seventy-Four Only) as on 31.03.2016. It is stated that the corporate person is sustaining loses in the business throughout for the last four consecutive years. They are unable to pay dues of arrears of payment of employees, hence, this application is filed to start CIRP of the corporate person.
2. We perused the record. We heard Ld. Counsel for the corporate person at length. It is seen from the record that this application is filed in proper form. It is accompanied with the special resolution being passed by Board of Directors of the corporate person in its special meeting dated 27.08.2004. The corporate person has furnished all books of accounts to show the financial position. It appears to us that corporate person is not able to repay the debt and its insolvency required to be resolved. The corporate person did not suggest name of any Resolution Professional for appointing as the Interim Resolution Professional (in short "IRP"). However, we appoint the IRP from the list provided by the Insolvency and Bankruptcy Board of India (IBBI).
3. Considering all record and proceeding of this application, we hold that it is a fit cate where corporate person is to be admitted in CIRP. Hence, we pass the following order.

**ORDER**





- i) The application filed by the Financial Creditor under section 10 of the Insolvency & Bankruptcy Code, 2016 for initiating Corporate Insolvency Resolution Process against the Corporate Person, **M/s Bihar State Construction Corporation Limited** is hereby admitted.
- ii) I declare a moratorium and public announcement in accordance with Sections 13 and 15 of the IBC, 2016.
- iii) 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 Section 15 of Insolvency & Bankruptcy Code, 2016 shall be made immediately.
- iv) Moratorium under Section 14 of the Insolvency & Bankruptcy Code, 2016 prohibits the following:
- a) 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;
  - b) Transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
  - c) 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 (54 of 2002);
  - d) The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.



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- v) The supply of essential goods or services to the corporate debtor as may be specified shall not be terminated, suspended, or interrupted during moratorium period.
- vi) 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.
- vii) The order of moratorium shall have effect from the date of admission till the completion of the corporate insolvency resolution process.
- viii) Provided that where at any time during the corporate insolvency resolution process period, if the Adjudicating Authority approves the resolution plan under sub-section (1) of Section 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.
- ix) Necessary public announcement as per Section 15 of the IBC, 2016 may be made.
- x) Mr. Nitesh Kumar More, Pr. CA , IP Registration No. IBBI/IPA-001/IP-P01087/2017-18/11785, contact no. 8820154348 E-mail ID: nmore2091@gmail.com is appointed as Interim Resolution Professional for ascertaining the particulars of creditors and convening a Committee of Creditors for evolving a resolution plan.
- xi) The Petitioner to pay sum of Rs. 1,00,000/- (Rupees One Lakh Only) to IRP as advance fees as per Regulation 33(2) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulation 2016 which shall be adjusted from final bill.

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xii) The Resolution Professional shall conduct CIRP in time bound manner as per Regulation 40A of IBBI (Insolvency Resolution Process for Corporate Persons) Regulation, 2016.

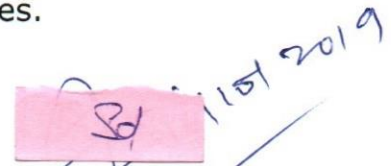
xiii) Registry is hereby directed under section 7(7) of the I.B.Code, 2016 to communicate the order to the Financial Creditor, the Corporate Debtor and to the I.R.P. by Speed Post as well as through e-mail.

List the matter on **29.11.2019** for the filing of the progress report.

Certified copy of the order may be issued to all the concerned parties, if applied for, upon compliance with all requisite formalities.



**(Virendra Kumar Gupta)**  
**Member(T)**



**(Madan B. Gosavi)**  
**Member(J)**

Signed on this, the 16<sup>th</sup> day of October, 2019.

*Deeksha(steno)*