

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH AT MUMBAI

COURT ROOM - IV

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

C.P. No. (IB) 1152/MB-IV/2020

**In the matter of Section 9 of the Insolvency and
Bankruptcy Code, 2016**

In the matter of

WAM India Private Limited Operational Creditor

V/s

SN Engineering Services Private Limited

.... Corporate Debtor

And in the matter of

Pradeep Kumar Chakravarty

**Interim Resolution Professional of SN Engineering
Services Private Limited**

Having IBBI Registration No.

IBBI/IPA-003/IP-N000123/2017-2017-2018/11338

B-301, Jasmine, Agarwal & Doshi Complex, Kaul's

Heritage City, Bhabola Naka, Vasai (West), Distt.

Palghar, Maharashtra - 401202

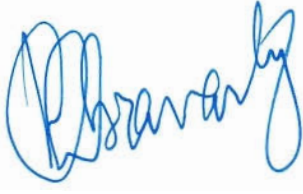
.... Applicant/Interim

Resolution Professional



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Interlocutory Application by the Interim Resolution Professional of S N Engineering Services Private Limited under Section 60 (5) of the Insolvency and Bankruptcy Code 2016 to take on record the Report certifying the Constitution of Committee of Creditors and List of Creditors filed to the Adjudicating Authority to take the same on record.



INDEX

Sr. No.	Particulars	Exhibit	Page No.
1.	Index		1-3
2.	Memo of Parties		3-6
3.	List of Dates and Events		6-9
4.	Synopsis		9-10
5.	Interlocutory Application along with Report constituting Committee of Creditors and List of Creditors		11-20
6.	Affidavit in Support		21-25
7.	Memorandum of Appearance		26-29
8.	CIRP Order	A	30-38
9.	Public Announcement in Form A	B	39-40



Applicant/ Interim Resolution Professional

Date: 11th April 2023

Place: Mumbai

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Palghar, Maharashtra – 401202

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Interlocutory Application by the Interim Resolution Professional of S N Engineering Services Private Limited under Section 60 (5) of the Insolvency and Bankruptcy Code 2016 to take on record the Report certifying the Constitution of Committee of Creditors and List of Creditors filed to the Adjudicating Authority to take the same on record.

MEMO OF PARTIES

1. Pradeep Kumar Chakravarty

Interim Resolution Professional of S N Engineering Services Private Limited

Having IBBI Registration No. IBBI/IPA-003/IP-N000123/2017-2017-2018/11338

Having address at B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage City, Bhabola Naka, Vasai (West), Distt. Palghar, Maharashtra – 401202

..... Applicant/ Interim Resolution Professional

2. S.N. Engineering Services Private Limited

Office no. 2, Plot no. D-10/3 TTC Industrial Area, Turbhe Navi Mumbai Thane MH 400703

..... Corporate Debtor/ Respondent



4

3. Shyamkumar Ramchandran Nair

Flat no-8-401, Satyam Tower, Plot no- 18/19

Sector-20, KoparKhairne

Navi Mumbai Maharashtra-400709

....Suspended

Director

/Respondent 2

Applicant/ Interim Resolution Professional

Date: 11th April 2023



Place: Mumbai



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Interlocutory Application by the Interim Resolution Professional of S N Engineering Services Private Limited under Section 60 (5) of the Insolvency and Bankruptcy Code 2016 to take on record the Report certifying the Constitution of Committee of Creditors and List of Creditors filed to the Adjudicating Authority to take the same on record.

LIST OF DATES AND EVENTS

17 th March 2023	This Hon'ble Bench vide its order dated 17 th March 2023; admitted the Corporate Insolvency Resolution Process of the Corporate Debtor and appointed the Applicant as Interim Resolution Professional.
24 th March 2023	Copy of the Order received by the IRP.
26 th March 2023	Public Announcement made by the IRP in Financial Express and Navshakti Mumbai Edition pursuant to the provisions of Regulation



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	6 of IBBI (IRPCP) Regulations 2016.
6 th April 2023	Last date of receipt of claims as per the Public Announcement
11 th April 2023	Constitution of Committee of Creditors and List of Creditors by IRP
	The IRP is filing the present application as per the provisions of Regulation 13 (2) (d) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016
	Hence this application



Applicant/ Interim Resolution Professional

Date: 11th April 2023

Place: Mumbai

A handwritten signature in blue ink, appearing to be "R. Dongardive", written over a light blue circular stamp.

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SYNOPSIS

1. This Hon'ble Bench vide its order dated 17th March 2023 admitted the initiation of Corporate Insolvency Resolution Process against the Corporate Debtor and appointed Mr. Pradeep Kumar Chakravarty, Insolvency Professional as the Interim Resolution Professional.
2. The Interim Resolution Professional received the copy of the order on 24th March 2023.
3. The IRP issued a Public Announcement in Form A in the Mumbai Edition of the Financial Express (English Edition) and Navshkati (Marathi Edition) dated 26th March 2023.
4. The last date for receipt of claims as per the provisions of IBC, 2016; i.e., the 14th day from Public Announcement is 6th April 2023.



4

5. The IRP has received claims from creditors as on 2nd April 2023 and upon provisional verification of the same, he has duly provisionally constituted the Committee of Creditors and List of Creditors of the Corporate Debtor.

6. The IRP is required to file the same with the Adjudicating Authority as per the provisions of Section 21 (1) read with Section 60 (5) and Regulation 13 (2) (d) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016.

7. Hence this Application.

Applicant/ Interim Resolution Professional



Date: 11th April 2023

Place: Mumbai

A handwritten signature in blue ink, appearing to be 'R. K. Kulkarni'.

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

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Interlocutory Application by the Interim Resolution Professional of S N Engineering Services Private Limited under Section 60 (5) of the Insolvency and Bankruptcy Code 2016 to take on record the Report certifying the Constitution of Committee of Creditors and List of Creditors filed to the Adjudicating Authority to take the same on record.

I. Details of the Applicant:

Mr. Pradeep Kumar Chakravarty Having IBBI Registration No. IBBI/IPA-003/IP-N000123/2017-2017-2018/11338 and Having address at B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage City, Bhabola Naka, Vasai (West), Distt. Palghar, Maharashtra - 401202 is the Interim Resolution Professional of S.N. Engineering Services Private Limited

II. Jurisdiction:

The Applicant declares that the subject matter of the Interlocutory Application is within the jurisdiction of this Hon'ble Bench, since this Hon'ble Bench has passed the necessary order admitting the petition under section 9 by the Operational Creditor namely WAM India Private Limited against the Corporate Debtor vide order dated



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17th March 2023. As per the MCA Master Data, the Registered Office of the Corporate Debtor is situated in Mumbai. Hence, the applicant humbly submits that the Hon'ble National Company Law Tribunal Mumbai Bench has jurisdiction in this matter.

III. Limitation:

The Applicant declares that the present application is not barred by the provisions of the Insolvency and Bankruptcy Code, 2016 as the same is being filed during the Corporate Insolvency Resolution process period ("CIRP period")

IV. Facts of the Case:

1. The Applicant states that this Hon'ble Bench vide its order dated 17th March 2023 admitted the petition filed by the Operational Creditor u/s 9 of the Insolvency and Bankruptcy Code, 2016.

2. The Applicant states that this Hon'ble Bench vide its order dated 17th March 2023 admitted the Corporate Insolvency Resolution Process petition under section 9 of IBC, 2016 and appointed Mr. Pradeepkumar Chakravarty as the Interim Resolution Professional (Applicant herein).



3. The copy of the said order was received by the IRP on 24th March 2023. Copy of the said order is hereto annexed and marked as **Exhibit A**.

4. The Applicant further submits that he has published the Public Announcement in Form A in Aurangabad in the Financial Express (English Edition) and Navshakti (Marathi Edition) dated 26th March 2023. Copies of Public Announcement is hereto annexed and marked as **Exhibit B**.

5. Pursuant to the claims received, the Interim Resolution Applicant has prepared a report for constitution of Committee of Creditors. Hence this present application is being filed by the Interim Resolution Professional to request the Adjudicating Authority to take the Report Certifying the Constitution of Committee of Creditors and List of Creditors as on 11th April 2023 on record.



V. Prayers/ Reliefs Sought:

In view of the above – mentioned facts, the applicant prays for the following reliefs:

1. Consider the present Interlocutory Application _____ of 2023 for submission of the Report

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Certifying the Constitution of Committee of Creditors and List of Creditors under the provisions of IBC, 2016.

2. Requesting the Hon'ble Bench to take on record the present Interlocutory Application for filing the Report certifying the Constitution of Committee of Creditors and List of Creditors in the matter of Nanai Dairy Private Limited (Corporate Debtor) as filed by the Interim Resolution Professional.

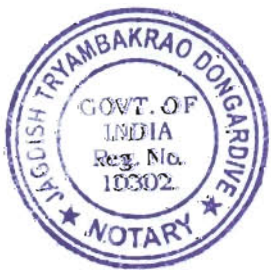
3. Pass such other orders as the Hon'ble Tribunal may deem fit.

Mr. Pradeepkumar Chakravarty

Applicant/ Interim Resolution Professional

Date: 11th April 2023

Place: Mumbai.



SN Engineering Services Pvt. Ltd. CIN No. U45200MH2007PTC167672 Regd. Office NO. 2, Plot NO. D-10/3 TTC Industrial Area, Turbhe Navi Mumbai Thane Maharashtra – 400703(Reported Vacated) Present Office: G Tex Block, MMRDA Ground, Opposite Fire brigade Station, Bandra Kurla Complex, Bandra (East) Mumbai Company is under Corporate Insolvency Resolution Process, vide order dated 17/03/2023 of National Company Law Tribunal, Mumbai Bench -IV, in case No. CP No. (IB) 1152/ MB/ 2020	Pradeep Kumar Chakravarty Interim Resolution Professional of SN Engineering Services Pvt. Ltd. Regd. No. IBBI/IPA-003/IP-N000123/2017-2017- 2018/11338 IPA Membership No. IPA-ICAI/N000123 AFA No. - AA3/11338/02/301123/300784 valid up to 30/11/2023 Mobile No. 9619452835 E- Mail with IBBI - pkc195710@gmail.com
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16

To

11/04/2023

THE ADJUDICATION AUTHORITY,
NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH -IV
MTNL Exchange Building, 4th Floor,
Near G.D.Somani International School,
G.D.Somani Marg, Cuffe Parade,
Mumbai- 400 005

Dear Sir,

SUBJECT: REPORT CERTIFYING THE CONSTITUTION OF COMMITTEE OF CREDITORS CD SN Engineering Services Private Limited.

1. The application for Corporate Insolvency Resolution Process filed by Wam India Private Limited under section 9 of the Insolvency and Bankruptcy Code read with Rule 6 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016 was admitted by Hon'ble NCLT, Mumbai vide order (CP (IB) No.1152/MB-IV/2020) dated 17.03.2023 , which was received by IRP on 24/03/2023, wherein Mr. Pradeep Kumar Chakravarty , the undersigned was appointed as Interim Resolution Professional who was directed to take necessary actions in accordance with the relevant provisions of the Insolvency and Bankruptcy Board of India.
2. The registered office of the SN Engineering Services Private Limited is situated at No. 2, Plot NO. D-10/3 TTC Industrial Area, Turbhe Navi Mumbai Thane Maharashtra – 400703
3. In Compliance with Section 13, Section 15 and other applicable sections of the Code read with Regulation 6 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016 (here in after called 'Regulations'), a public announcement.
 - a. intimating the commencement of Corporate insolvency Resolution Process against SN Engineering Services Private Limited
 - b. calling the creditors to submit the proof of claims was made on 26th March 2023 in Financial Express, Mumbai (ENGLISH) and on and Nav Shakti, Mumbai (Marathi), where the registered office of the corporate Debtor is situated.

B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage City, Bhabola Naka,
Vasai (West), Distt. Palghar, Maharashtra – 401202

E mail ID for correspondence: 2023.snengineering@gmail.com



<p>SN Engineering Services Pvt. Ltd. CIN No. U45200MH2007PTC167672 Regd. Office NO. 2, Plot NO. D-10/3 TTC Industrial Area, Turbhe Navi Mumbai Thane Maharashtra – 400703(Reported Vacated) Present Office: G Tex Block, MMRDA Ground, Opposite Fire brigade Station, Bandra Kurla Complex, Bandra (East) Mumbai Company is under Corporate Insolvency Resolution Process, vide order dated 17/03/2023 of National Company Law Tribunal, Mumbai Bench -IV, in case No. CP No. (IB) 1152/ MB/ 2020</p>	<p>Pradeep Kumar Chakravarty Interim Resolution Professional of SN Engineering Services Pvt. Ltd. Regd. No. IBBI/IPA-003/IP-N000123/2017-2017-2018/11338 IPA Membership No. IPA-ICAI/N000123 AFA No. - AA3/11338/02/301123/300784 valid up to 30/11/2023 Mobile No. 9619452835 E- Mail with IBBI - pkc195710@gmail.com</p>
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17

4. The last date of submission of claims was. 06.04.2023.
5. The public notice sought proof of claims from financial creditors in form C as stipulated in Regulation 8. Till the last date of claim i.e. 06.04.2023 and thereafter till the filing of this report, the undersigned Interim Resolution Professional has received claim forms from the financial creditors, as mentioned in Annexure A to this report.
6. The public notice sought proof of claims from operational creditors in form B as stipulated in Regulation 7. Till the last date of claim i.e. 06.04.2023 and thereafter till the filing of this report the undersigned Interim Resolution Professional has received claim forms from the operational creditors, mentioned in Annexure B to this report.
7. The public notice sought proof of claims from operational creditors in form D/Form E as stipulated in Regulation 9. Till the last date of claim (i.e. 06.04.2023.) the undersigned Interim Resolution Professional has not received any claims from workman /employee/Authorised representative of workmen and employees
8. The undersigned Interim Resolution Professional has duly verified the claims of the aforesaid creditors.
9. The list of creditors was filed with Hon'ble National Company Law Tribunal. Mumbai (Bench) in compliance with Regulation 13 (2)(d)
10. In compliance with Section 21(1) of the Code the undersigned Interim Resolution Professional certifies the constitution of the Committee of Creditors which consists of the following creditors:

Sr. No.	Name of Creditor	Nature of Creditor
1	<p>International Asset Reconstruction Company Registered Office- 406, DLF, South Court, Saket, New Delhi -110017 Corporate Office – A-601, 6th Floor, 125 Atrium, Andheri Kurla Road Andheri (East) , Mumbai -400093</p>	<p>Financial (Amount - Rs1,10,54,420.77)</p>
2	WAM INDIA PRIVATE LIMITED	Operational

B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage City, Bhabola Naka,
Vasai (West), Distt. Palghar, Maharashtra – 401202

E mail ID for correspondence: 2023.snengineering@gmail.com



(Handwritten Signature)

<p>SN Engineering Services Pvt. Ltd. CIN No. U45200MH2007PTC167672 Regd. Office NO. 2, Plot NO. D-10/3 TTC Industrial Area, Turbhe Navi Mumbai Thane Maharashtra – 400703(Reported Vacated) Present Office: G Tex Block, MMRDA Ground, Opposite Fire brigade Station, Bandra Kurla Complex, Bandra (East) Mumbai Company is under Corporate Insolvency Resolution Process, vide order dated 17/03/2023 of National Company Law Tribunal, Mumbai Bench -IV, in case No. CP No. (IB) 1152/ MB/ 2020</p>	<p>Pradeep Kumar Chakravarty Interim Resolution Professional of SN Engineering Services Pvt. Ltd. Regd. No. IBBI/IPA-003/IP-N000123/2017-2017-2018/11338 IPA Membership No. IPA-ICAI/N000123 AFA No. - AA3/11338/02/301123/300784 valid up to 30/11/2023 Mobile No. 9619452835 E- Mail with IBBI - pkc195710@gmail.com</p>
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<p>ADDRESS – UT NO. 258,259 261/A,262/B, VILLAGE LAHE H NO.471, BHATSA NAGAR ROAD, SHAHAPUR Thane MAHARASHTRA- 421603</p>	<p>Amount -Rs. 1,08,04,672.00</p> <p>The Operational Creditor i.e. Wam India Private Limited holds 49.29% of aggregate admitted amount of credit Rs.2,18,59,092.77 which is more than 10% of aggregate dues. As per Section 24 (4), the Directors, partners, and one representative of operational creditors as referred in sub-section 24(3), may attend meetings of committee of Creditors but shall not vote in such meetings.</p>
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Thanking you.

Yours faithfully,

(Pradeep Kumar Chakravarty)
Interim Resolution Professional

Encl.: As above

Place: Vasai West
Date :11/04/2023

B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage City, Bhabola Naka,
Vasai (West), Distt. Palghar, Maharashtra – 401202

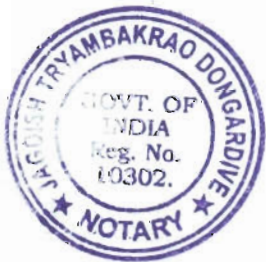
E mail ID for correspondence: 2023.snengineering@gmail.com





ANNEXURE A
SN ENGINEERING SERVICES PRIVATE LIMITED (U45200MH2007PTC167672)
[Claims submitted by Financial creditor and amount admitted]

SR NO	NAME OF CREDITOR	AMOUNT CLAIMED BY CREDITORS (IN RS)	AMOUNT ADMITTED (PROVISIONAL) (IN RS)	SECURITY INTEREST
1.	INTERNATIONAL RECONSTRUCTION PRIVATE LIMITED Address: A-601, 6 TH FLOOR, ARIHUM ANDHERI KURLA ROAD ANDHERI MUMBAI 400096	1,10,54,420.77 (Rs One Crores Ten Four Thousand Four Hundred Twenty and Paise Seventy Seven Only)	Rs1,10,54,420.77 (Rs One Crores Ten Lacs Fifty Four Thousand Four Hundred Twenty and Paise Seventy Seven Only)	Primary : Pledge PUTZMEISTER Concrete Mic Batching Plant MT10 2018 SERIAL NO 0324300085 Collateral : Personal Guarantee of Shyam Kumar Ramchandra Nair



ANNEXURE B
SN ENGINEERING SERVICES PRIVATE LIMITED (U45200MH2007PTC167672)
 [Claims submitted by Operational creditor and Claim amount admitted]

SR No.	NAME OF CREDITOR	AMOUNT CLAIMED (IN RS.)	AMOUNT ADMITTED (IN RS.)	CLAIM AMOUNT REJECTED (IN RS.)	CLAIM AMOUNT UNDER VERIFICATION (IN RS.)	SECURITY INTEREST
1	WAM INDIA PRIVATE LIMITED ADDRESS - UT NO. 258,259 261/A,262/B, VILLAGE LAHE H NO.471, BHATSA NAGAR ROAD, SHAHAPUR Thane MAHARASHTRA- 421603	1,96,08,813	1,08,04,672		88,04,141	No Security was provided. The amount is unpaid operational debt. Interest portion under verification

* DENOTES CLAIMS RECEIVED AND UNDER VERIFICATION, HENCE SHOWN UNDER PENDING FOR VERIFICATION. THE LIST WILL BE UPDATED AFTER COMPLETION OF VERIFICATION.

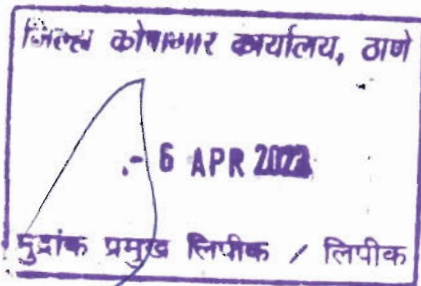
The Operational Creditor i.e. Wam India Private Limited holds 49.29% of aggregate admitted amount of credit Rs.2,18,59,092.77 which is more than 10% of aggregate dues. As per Section 24 (4), the Directors, partners, and one representative of operational creditors as referred in sub-section 24(3), may attend meetings of committee of Creditors but shall not vote in such meetings.



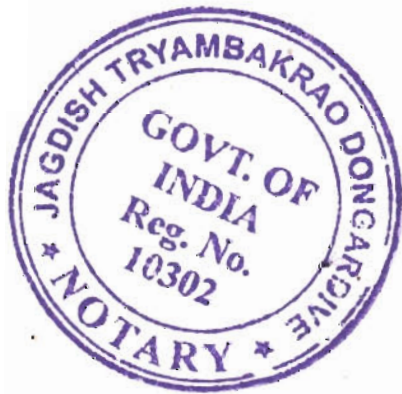
महाराष्ट्र MAHARASHTRA

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This Stamp Paper is Part of
Affidavit



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Maharashtra - 401202

.... Applicant/Interim Resolution Professional



Interlocutory Application by the Interim Resolution

Professional of S N Engineering Services Private Limited

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under Section 60 (5) of the Insolvency and Bankruptcy Code 2016 to take on record the Report certifying the Constitution of Committee of Creditors and List of Creditors filed to the Adjudicating Authority to take the same on record.

AFFIDAVIT

I. Pradeepkumar Chakravarty, resident of B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage City, Bhabola Naka, Vasai (West), Distt. Palghar, Maharashtra - 401202 do hereby solemnly affirm and declare as under:

1. That I am the Interim Resolution Professional appointed by the Hon'ble NCLT. I am acquainted with the facts and circumstances of the present case and am competent and authorized to make this Affidavit on behalf of the Appellant.
2. That the present Application for report on constitution of COC has been read and understood by me and I affirm on oath that the facts contained therein are true to my knowledge. I further state that the said Application has been drafted by my counsel at my instructions.
3. The contents of the above paragraphs are within my knowledge and true.



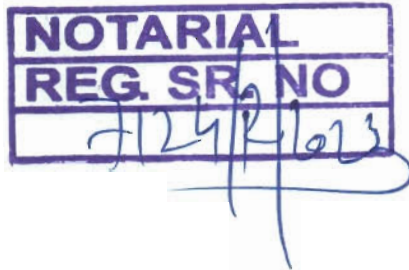
DEPONENT

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VERIFICATION

I, abovementioned deponent, do hereby verify that the contents of the affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has concealed therefrom.

Verified by me on this the 11 day of APR, 2023 at Mumbai.



DEPONENT
[Handwritten signature]



11 APR 2023

BEFORE ME

[Handwritten signature]
JAGDISH TRYAMBAKRAO DONGARDIVE
ADVOCATE & NOTARY, (GOVT OF INDIA)
Ganesh Chawl Committee, Kranti Nagar
Zopadpatti, Akurdi Road, Kandivali (East),
Mumbai - 400101



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FORM NO. NCLT 12

(see rule 45)

Memorandum of Appearance

To
The Registrar,
National Company Law Tribunal,
Mumbai Bench.



In the matter of

Pradeepkumar Chakravarty, Interim Resolution

Professional

....Applicant

Sir,

Please take notice that I, AMIT JASTE, Company Secretary in Practice, Mumbai, having membership No. F7289 and COP no 12234 duly authorized to enter appearance, and do hereby enter appearance, on behalf of applicant in the above-mentioned application.

A copy of the letter of authority authorizing me to enter appearance and to act for every purpose connected with the proceedings for the said party is enclosed, duly signed by me for identification.

Yours sincerely,

Dated 11th April 2023

Address: 105, B Wing, Halkara Complex,
 Avdhoot Nagar,
 Dahisar East, Mumbai – 400068

Amit Jaste
 Practising Company
 Secretary
 Membership No. F-7289
 CP No. 12234
 Tele No.: 9820000347

Enclosure: as aforesaid



BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH AT MUMBAI

COURT ROOM - IV

INTERLOCUTORY APPLICATION NO. _____ OF 2023

IN

C.P. No. (IB) 1152/MB-IV/2020

**In the matter of Section 9 of the Insolvency and Bankruptcy
Code, 2016**

In the matter of

WAM India Private Limited Operational Creditor

V/s

SN Engineering Services Private Limited

.... Corporate Debtor

And in the matter of

Pradeep Kumar Chakravarty

**Interim Resolution Professional of SN Engineering Services
Private Limited**

Having IBBI Registration No.

IBBI/IPA-003/IP-N000123/2017-2017-2018/11338

**B-301, Jasmine, Agarwal & Doshi Complex, Kaul's Heritage
City, Bhabola Naka, Vasai (West), Distt. Palghar, Maharashtra -
401202**

.... Applicant/Interim Resolution Professional



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Interlocutory Application by the Interim Resolution Professional of S N Engineering Services Private Limited under Section 60 (5) of the Insolvency and Bankruptcy Code 2016 to take on record the Report certifying the Constitution of Committee of Creditors and List of Creditors filed to the Adjudicating Authority to take the same on record.

.... Applicant/Interim

Resolution Professional

LETTER OF AUTHORITY

I, Pradeepkumar Chakravarty, am the Applicant in abovenamed Application filed under Section 60(5) of Insolvency and Bankruptcy Code, 2016.

I do hereby authorize Mr. Amit Jaste, Practising Company Secretary, Mumbai, having membership No. F-7289, and having his office at B-001, Krishna Towers, C.S.C. Road No 2, Anand Nagar, Dahisar East, Mumbai – 400 068 for following:

- i. To do any and every action as per the provisions of the Insolvency and Bankruptcy Code, 2016 or any other provisions of law for the time being in force.
- ii. To act, appear, represent and plead in matter of Applicant before the Hon'ble National Company Law Tribunal, National Company Law Appellate Tribunal or any other Tribunal or any other Courts or any judicial or quasi-judicial authorities in India or elsewhere.



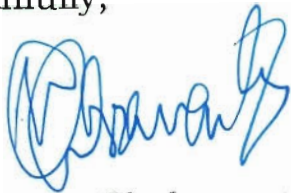
- iii. To sign, affirm record, verify, file documents, submit any application, affidavit, undertaking, memorandum of appearance etc, as may be required by the Hon'ble National Company Law Tribunal, National Company Law Appellate Tribunal or any other Tribunal on behalf of the Applicant.
- iv. To execute and deliver petitions / applications / notices, amendments to petitions / applications / notices, memorandum of appearance, to record, papers affidavits, affirm and file all documents, as may be required, in the aforesaid matter for and on behalf of the Applicant.

Mr. Amit Jaste is also authorized to receive any certificates, acknowledgements, letter, notice and true copy of any nature on behalf of the Applicant.

All acts deeds and things lawfully done by him shall be binding on Applicant as if Applicant has done such deeds, acts and things.

Thanking you,

Yours faithfully,



Pradeepkumar Chakravarty
Applicant
Date: 11th April 2023

Place: Mumbai



IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-IV

CP (IB) No.1152/MB-IV/2020

Under Section 9 of the IBC, 2016

In the matter of

WAM INDIA PRIVATE LIMITED

[CIN: U29150MH1998PTC113380]

...Operational Creditor

v/s.

SN ENGINEERING SERVICES PVT.
LTD.

[CIN: U45200MH2007PTC167672]

...Corporate Debtor

Order Delivered on: 17.03.2023

Coram:

Mr. Prabhat Kumar
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Petitioner:

Mr. Nausher Kohli a/w Mr. Rushil
Mathur, Ld. Counsel

For the Respondent:

Mr. Viral Vora, Ld. Counsel.

ORDER

Mr. Prabhat Kumar, Member (Technical)



Page 1 of 9

Recd. on 21/3/2023



1. This is a Company Petition filed under section 9 of the Insolvency & Bankruptcy Code, 2016 (IBC) WAM INDIA PRIVATE LIMITED, ("the Operational Creditor"), seeking initiation of Corporate Insolvency Resolution Process (CIRP) against SN ENGINEERING SERVICES PVT. LTD, ("the Corporate Debtor").

1.1. The petition is filed on 15.07.2020 claiming an amount of Rs. 1,43,33,765 as on 30.06.2020 comprising of the principal outstanding amount of Rs. 1,08,04,672/- and an amount of Rs. 35,29,093/- as an aggregate interest calculated from the date of default of each invoice till 30.6.2020 along with interest of 18 % p.a. from 01.07.2020 till the date of payment and/or realization of the entire outstanding amounts along with interest.

2. The Operational Creditor/Applicant is a company is engaged in developing, manufacturing equipment's and plant components for bulk solids and processing. The Corporate Debtor is engaged in service of providing TV channels on various networks.

3. The Corporate Debtor is a leading engineering company and also a pioneer in technical consultancy. The Corporate Debtor deals in supply of aggregates, construction and paving services in Maharashtra and Karnataka.

3.1. The Operational Creditor and the Corporate Debtor had a long-standing business relationship with each other. Corporate Debtor used to issue purchase orders to the Operational Creditor for materials/goods/items whenever required for its business purpose and Operational Creditor based on the purchase orders prepared and dispatched the goods along with the invoices for the goods.



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- 3.2. The Operational Creditor/Applicant provided satisfactory services to the Corporate Debtor thereby abiding, implementing and ensuring compliance of the Agreement and raised the invoices for the consideration on the Corporate Debtor for the services. The Corporate Debtor did not raise any grievance with relation to the services and invoices provided by the Operational Creditor and continued to make part payments for the outstanding invoices from time to time. The Invoices would become due and payable within a period of 90 days and if there is a default in payment towards the invoice then interest @ 18% per annum would be attracted on the pending invoices and/or outstanding 2 invoices.
- 3.3. The Operational Creditor time and again continued to follow up regarding its outstanding debt and the Corporate Debtor kept assuring the Operational Creditor that the outstanding debt would be cleared at the earliest. The said email correspondence exchanged between the parties in October, 2018 is annexed at Exhibit PP1 at page 196 – 197 of Volume II.
- 3.4. On 28.11.2018, meeting was held between the representatives of the parties to discuss the outstanding due and payable amounting to Rs. 1,35,73,702/-at relevant time. Pursuant to the said meeting, email correspondence was exchanged between the parties through the year 2019 wherein the Corporate Debtor time and again admitted to clearing the outstanding amount.
- 3.5. In spite of several requests, the Corporate Debtor refused, neglected and avoided to pay its outstanding amounts, the Operational Creditor/Applicant issued a Demand Notice in Form 3 under the Insolvency and Bankruptcy Code, 2016 dated 03.03.2020 to the Corporate Debtor demanding payment in respect of the outstanding amount, though



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no reply was received by the Corporate Debtor to the said Demand Notice.

3.6. Pertinently, no notice of dispute/response was given by the Corporate Debtor to its aforesaid Demand Notice, which in itself is a proof of admission of the Operational Debt and manifests the conduct of the Corporate Debtor and its unwillingness to repay the outstanding Operational Debt. In fact, on receipt of this notice, the Corporate Debtor reached out to the Operational Creditor to discuss the matter.

3.7. Accordingly, a meeting was held between the parties on 16.03.2020 when it was discussed that the Corporate Debtor would clear the entire outstanding debt based on a payment schedule agreed between both the parties. As per the discussions held in the said meeting, the Operational Creditor once again requested the Corporate Debtor to submit the payment schedule vide its email of 20.03.2020, however the Corporate Debtor once again gave a false assurance on 23.03.2020 that the outstanding would be cleared. Despite the assurances given by the Corporate Debtor at the meeting, the Corporate Debtor failed to clear the outstanding debt of the Operational Creditor.

3.8. The Operational Creditor vide its Affidavit in Rejoinder of 19.02.2022 highlighted that the Corporate Debtor is raising false and baseless issues pertaining that the Corporate Debtor ever disputed the invoices raised by the Operational Creditor; nor has it ever raised any dispute in relation to the goods provided by the Operational Creditor.

4. The Corporate Debtor, vide its Affidavit in Reply of 12.08.2021, raised issues regarding quality of material supplied; huge delay in the clearance of materials; frequent stoppage of supply of goods. The Corporate Debtor has



8

also filed a Sur-rejoinder and Additional Affidavit dated 14.04.2022 and 25.04.2022 respectively, wherein it once again attempts to further its case raising disputes. It has also raised an issue of novation of claim which stood settled in the meeting held on 28.11.2018.

Findings

5. We have heard the submissions made by the counsel on both the sides and perused the records.

5.1. This bench notices that as per the above narrated facts and material placed on record that there is no dispute raised with regards to the Debt of the Operational Creditor and towards repayment of the same. Secondly, there is admission of liability in the meetings, correspondence and part payments made by the Corporate Debtor. The submission of the Corporate Debtor that it has paid a sum of Rs 62,80,326 since the meeting held on 28.11.2018 with Operational Creditor to address the issue of delayed payment. We have perused the copy of ledger account of the Corporate Debtor in the books of account of the Operational Creditor and find that a sum of Rs. 1,30,30,264.76 was due from the Corporate Debtor on the date of this meeting and a sum of Rs. 1,08,04,673.76 is shown as receivable in the ledger account 15.12.2021. Accordingly, the contention of Corporate Debtor that it paid 62,80,326/- subsequent to the meeting is incorrect. We further find that there was mentioned of any dispute in the minutes of the meeting 28.11.2018 and even emails thereafter do not record existence of any meaningful dispute in relation to the outstanding. In view of this, the plea of dispute raised by the Corporate Debtor looks vexatious and artificial.

5.2. We find that in case of *M/s. A2 Interiors Products Pvt. Ltd. Vs, M/s. Ahluwalia Contracts (India) Ltd. (2021) SCC online NCLT 438*, the



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Principal Bench had allowed the petition holding that debts arising from different work order(s) can be clubbed to satisfy the minimum threshold limit. The Para 27 of the said judgement reads as under -

“27. Considering the documents on records and submissions made, it is observed that there exists an operational debt which is due and payable by the Corporate Debtor. Further with respect to the maintainability of an application, with regards the issue that whether for various claims arising out of separate work orders, single application can be filed by operational creditor. There are various judgments passed by separate claims can be part of single application. The Judgments are also relied by the applicant as referred above.”

5.3. On perusal of the documents submitted by the Applicant, it is clear that financial debt amounting to more than Rs.1,00,00,000/- (Rupees One Crore Only) is due and payable by the Corporate Debtor to the Applicant. There is default by the Corporate Debtor in payment of debt amount. Therefore, we find that it is a fit case for initiation of CIRP against the Corporate Debtor, and that the petition is filed within the limitation period. This Tribunal has jurisdiction to adjudicate the Company Petition filed by the Operational Creditor and that there is a Debt due & payable by the Corporate Debtor. Therefore, the Application filed by the Operational Creditor is liable to be admitted.

6. The Operational Creditor has not proposed the Interim Resolution Professional (IRP) in the matter.

ORDER



The petition bearing CP (IB) No.4002/MB-IV/2019 filed by **WAM INDIA PRIVATE LIMITED**, the Operational Creditor, under section 9 of the IBC read with rule 4(1) of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for initiating Corporate Insolvency Resolution Process (CIRP) against **SN ENGINEERING SERVICES PVT. LTD** ("the Corporate Debtor) is **ADMITTED**.

- I. That this Bench as a result of this prohibits:
 - 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 Operational Assets and Enforcement of Security Interest Act, 2002;
 - d) the recovery of any property by an owner or lessor where such property is occupied by or in possession of the corporate debtor.
- II. That the **supply** of essential goods or services to the corporate debtor, if continuing, shall not be terminated or suspended or interrupted during the moratorium period.
- III. That the provisions of sub-section (1) of Section 14 of I&B Code shall not apply to



8



- a. such transactions as may be notified by the Central Government in consultation with any Operational sector regulator;
 - b. a surety in a contract of guarantee to a Corporate Debtor.
- IV. That the order of moratorium shall have effect from the date 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 of I&B Code or passes an order for the liquidation of the corporate debtor under section 33 of I&B Code, as the case may be.
- V. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of I&B Code.
- VI. The bench hereby appoints Mr. Pradeep Kumar Chakravarty, an Insolvency Professional registered with Indian Institute of Insolvency Professionals of ICAI having registration number IBBI/IPA-003/IP-N000123/2017-2018/11338 Email: pkc195710@gmail.com Mb No 9619452835. He is appointed as IRP for conducting CIRP of the Corporate Debtor and to carry the functions as mentioned under IBC, the fee payable to IRP/RP shall comply with the IBBI Regulations/Circulars/Directions issued in this regard. The IRP shall carry out functions as contemplated by Sections 15,17,18,19,20,21 of the IBC.
- VII. During the CIRP Period, the management of the Corporate Debtor shall vest in the IRP or, as the case may be, the RP in terms of section 17 of the IBC. The officers and managers of the Corporate Debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP within a period of one week from the date of receipt of this Order, in default of which coercive steps will follow.

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- VIII. The Operational Creditor shall deposit a sum of Rs.5,00,000/- (Rupees five lakh only) with the IRP to meet the expenses arising out of issuing public notice and inviting claims. These expenses are subject to approval by the Committee of Creditors (CoC).
- IX. The Registry is directed to communicate this Order to the Operational Creditor, the Corporate Debtor and the IRP by Speed Post and email immediately, and in any case, not later than two days from the date of this Order.
- X. A copy of this Order be sent to the Registrar of Companies, Maharashtra, Mumbai, for updating the Master Data of the Corporate Debtor. The said Registrar of Companies shall send a compliance report in this regard to the Registry of this Court **within seven days** from the date of receipt of a copy of this order.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)
17.03.2023

Sd/-

KISHORE VEMULAPALLI
MEMBER (JUDICIAL)

Certified True Copy
Copy Issued "free of cost"
On 24.03.2023

Salunkumar
Deputy Registrar *24/03/2023*

National Company Law Tribunal Mumbai Bench



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FINANCIAL EXPRESS

Read to Lead

The Financial Express English Edition Mumbai Date of Publish 26/03/2023

FORM A PUBLIC ANNOUNCEMENT <i>(Under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016)</i>	
FOR THE ATTENTION OF THE CREDITORS OF SN ENGINEERING SERVICES PRIVATE LIMITED	
RELEVANT PARTICULARS	
1. Name of corporate debtor	SN ENGINEERING SERVICES PRIVATE LIMITED
2. Date of incorporation of corporate debtor	08.02.2007
3. Authority under which corporate debtor is incorporated / registered	Registrar of Companies, Mumbai, India, under the Companies Act, 1956
4. Corporate Identity No. / Limited Liability Identification No. of corporate debtor	U65200MH2007PTC167672
5. Address of the registered office and principal office (if any) of corporate debtor	Office no 2, Plot no D-103, TTC INDUSTRIAL AREA, TURBHE, NAMI MUMBAI, THANE MAHARASHTRA, 400703 IN
6. Insolvency commencement date in respect of corporate debtor	17/03/2023 (order received on 24/03/2023)
7. Estimated date of closure of insolvency resolution process	12/09/2023
8. Name and registration number of the insolvency professional acting as interim resolution professional	Pradeep Kumar Chakravarty IBBI/PA-003/PA-N000123/2017-2018/11336
9. Address and e-mail of the interim resolution professional, as registered with the Board	B-301, Jasmira, Agarwal & Doshi Complex, Kauri Heritage City, Shabola Naka, Vasai West, Dist. Palghar, Maharashtra -401202 pa116710@gmail.com Mobile No. 9819402835
10. Address and e-mail to be used for correspondence with the interim resolution professional	B-301, Jasmira, Agarwal & Doshi Complex, Kauri Heritage City, Shabola Naka, Vasai West, Dist. Palghar, Maharashtra -401202 E-mail: 2023.snengineering@gmail.com
11. Last date for submission of claims	08/04/2023 (from the date of order received i.e. on 24/03/2023)
12. Classes of creditors, if any, under clause (b) of sub-section (5A) of section 21, ascertained by the interim resolution professional	Not Applicable
13. Names of Insolvency Professionals identified to act as Authorized Representative of creditors in a class (These names for each class)	Not Applicable
14. (a) Relevant Forms and (b) Details of authorized representatives are available at:	Web link: https://www.ibbi.gov.in Not Applicable

Notice is hereby given that the National Company Law Tribunal Mumbai, has ordered the commencement of a corporate insolvency resolution process of the **SN ENGINEERING SERVICES PRIVATE LIMITED** on 17/03/2023.

The creditors of **SN ENGINEERING SERVICES PRIVATE LIMITED** are hereby called upon to submit their claims with proof on or before 08/04/2023 to the Interim Resolution Professional at the address mentioned against entry No. 10.

The financial creditors shall submit their claims with proof by electronic means only. All other creditors may submit the claims with proof in person, by post or by electronic means. Other creditors can submit the claims with proof in person, by post or by electronic means. Those creditors who intend to submit the claim in physical mode can submit at the address mentioned in entry No. 10.

Submission of false or misleading proofs of claim shall attract penalties.

Place: Vasai West, Dist. Palghar, Maharashtra -401202
Date: 26/03/2023

Pradeep Kumar Chakravarty
Interim Resolution Professional
IBBI/PA-003/PA-N000123/2017-2018/11336



जनसामान्यांची महाशक्ती

नव शक्ति

The Navshakti Marathi Edition Mumbai Date of Publish 26/03/2023

संबंधित ठपपत्ती	
१	कॉर्पोरेट कंपनीचे नाव
२	कॉर्पोरेट कंपनीच्या स्थापनेची तारीख
३	कॉर्पोरेट कंपनीचा अंतर्गत स्थापित / नोंदणीकृत आहे ते प्राधिकरण
४	कॉर्पोरेट कंपनीच्या कॉर्पोरेट आयडेंटिटी नंबर / लिमिटेड लायामिनिटी आयडेंटिफिकेशन नंबर
५	कॉर्पोरेट कंपनीच्या नोंदणीकृत कार्यालय व मुख्य कार्यालय (असल्यास) याचा पत्ता
६	कॉर्पोरेट कंपनीच्या बाबतीत नादारी सुरू होण्याची तारीख
७	नादारी निर्णय प्रक्रिया संपादनेची अंदाजित तारीख
८	अंतिम निर्णय न्यायसाधिकार मंजूर कृती करणाऱ्या नादारी न्यायसाधिकाचे नाव आणि नोंदणी क्रमांक
९	नोंदणीकडे नोंदणीकृत अंतिम निर्णय न्यायसाधिकाचा पत्ता आणि ई-मेल
१०	अंतिम निर्णय न्यायसाधिकांशी दुरुव्यवहार करणाऱ्या नादारीचा पत्ता आणि ई-मेल
११	दावे सादर करणाऱ्यांची अंतिम तारीख
१२	अंतिम निर्णय न्यायसाधिकांनी निश्चित केलेले कालम २१ च्या पोट-कालम (६ ए) च्या खंड (बी) अंतर्गत धनकोचे बर्न, असल्यास
१३	एका कार्यालय धनकोचे प्राधिकृत प्रतिनिधी म्हणून कृती करणाऱ्या नादारी न्यायसाधिकांची नावे (प्रत्येक नादारी तीन नावे)
१४	(ए) संबंधित फॉर्म आणि (बी) प्राधिकृत प्रतिनिधीचे ठपपत्तीचे वेधे उपलब्ध आहेत.
<p>याद्वारे सूचना देण्यात येते की, राष्ट्रीय कंपनी विधी न्यायधिकरण मुंबई यांनी १०/०३/२०२३ दिनांकीत एएसएन इंजिनियरिंग सर्व्हिसेस प्रायव्हेट लिमिटेडची निगमित नादारी निर्णय प्रक्रिया सुरू करण्याचा आदेश दिला. एएसएन इंजिनियरिंग सर्व्हिसेस प्रायव्हेट लिमिटेडच्या धनकोचा याद्वारे अंतिम निर्णय न्यायसाधिकांकडे जाव क्र. १० संमोरील पत्त्याकः ०६-०४-२०२३ येथी किंवा त्यापूर्वी त्यांच्या दाव्यांचे पुरावे सादर करण्यास सांगण्यात येते. विधीय धनकोंनी पुराव्यांसह त्यांचे दावे केवळ इलेक्ट्रॉनिक माध्यमातून सादर करावेत. अन्य सर्व धनकोंनी पुराव्यांसह त्यांचे दावे व्यक्तिः, टासलने किंवा इलेक्ट्रॉनिक माध्यमातून सादर करावेत. जे धनको दावा प्रत्यक्षपणे सादर करू शकतात ते जाव क्र. १० मध्ये नमूद केलेल्या पत्त्यावर जाव करू शकतात. दाव्यांच्या खोटी किंवा दिशाभूल करणारे पुराव्यांच्या सादरीकरण देडाल पात्र आहेत.</p> <p>दिकाळ : चवई पश्चिम, जि. पालघर, महाराष्ट्र - ४०१२०२ दिनांक : २६/०३/२०२३</p> <p>प्रदीप कुमार चव्हाण अंतिम निर्णायक न्यायसाधिकार आयबीबीआय/आयपी-००३/आयपी-एन०००१२३/२०१७-२०१८/११३३८</p>	



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