

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH – I, CHENNAI**

CP (IB)/117(CHE)/2022

*(Filed under Sec. 59 of the Insolvency and Bankruptcy
Code, 2016)*

In the matter of **M/s. GOKUL GRANITES PRIVATE LIMITED**

Mr. AYYAMPALAYAM VENKATESAN ARUN

Liquidator of M/s. GOKUL GRANITES PRIVATE LIMITED

[CIN: U14102TZ1987PTC001979]

Regd Office:

"Akshayam", 4th Floor, Old No. 4/1,

New No: 153-B, Sugavaneswara Street,

Salem – 636 004

Tamil Nadu

... Applicant / Liquidator

Order Pronounced on 13th September 2022

CORAM:

**Justice (Retd.) RAMALINGAM SUDHAKAR, PRESIDENT
AVINASH K. SRIVASTAVA, MEMBER (TECHNICAL)**

Present:

For Applicant: BFS Legal

ORDER

Per: Justice (Retd.) RAMALINGAM SUDHAKAR, PRESIDENT

This is a Company Petition filed by the Liquidator in relation to
the voluntary liquidation of **M/s. Gokul Granites Private Limited**

(hereinafter referred to as the "Company") under Section 59(7) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "IBC, 2016"), praying for an order to dissolve the Applicant Company viz., **"M/S. GOKUL GRANITES PRIVATE LIMITED"**.

2. This Tribunal heard the submissions of the Ld. Counsel appearing on behalf of the Applicant. However, on perusal of the documents filed before us it is found that "Form-H" a mandatory compliance under Regulation 38 (3) of the IBBI (Voluntary Liquidation Process) Regulations, 2017 has not been placed on record.

3. Further, it can be seen that this Application has been filed on 12.04.2022. It is seen that the Regulation 38 (3) of the IBBI (Voluntary Liquidation Process) Regulations, 2017 has been amended by the virtue of Notification No. IBBI/2022-23/GN/REG.081., dated 5th April, 2022 (with effect from 05.04.2022). The said amended provision is extracted hereunder:-

"38. Final Report.

(3) The liquidator shall submit the Final Report and the compliance certificate in Form-H along with the application under sub-section (7) of section 59 to the Adjudicating Authority."

As



4. Therefore, this Tribunal is constrained to **dismiss** this Application for lack of mandatory documents viz., FORM-H. However, the Applicant is given the liberty to file a fresh Application.

Accordingly, CP/IB/135/CHE/2022 stands **dismissed**, with liberty to file afresh.

—Sd—

AVINASH K. SRIVATSAVA
MEMBER (TECHNICAL)

—Sd—

Justice RAMALINGAM SUDHAKAR,
PRESIDENT