

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

MA 1660/2019
In
C.P. 2869/I&BP/MB/2018

Under Section 33 of Insolvency &
Bankruptcy Code, 2016

In the matter of
C. S. Tubes Pvt. Ltd.
... Corporate Applicant

M.A. No. 1660 of 2019
Mr. Pradeep V. Samant
... Applicant/
Resolution Professional

Order delivered on: 08.07.2019

Coram: Hon'ble Shri Bhaskara Pantula Mohan, Member (Judicial)
Hon'ble Shri V. Nallasenapathy, Member (Technical)

For the Applicant: Mr. Prakash Dattatraya Naringrekar, Advocate for Resolution
Professional.

Mr. Nithish Bangera, PCS for Resolution Professional.

Per: V. Nallasenapathy, Member (Technical)

ORDER

1. The Corporate Insolvency Resolution Process (CIRP) was initiated against the Corporate Debtor by an order of this Adjudicating Authority dated 15.01.2019, on a Section 10 Petition filed by the Corporate Applicant, C. S. Tubes Pvt. Ltd., wherein Mr. Pradeep V. Samant, was appointed as Interim Resolution Professional and thereafter confirmed by the Committee of Creditors (CoC) as Resolution Professional (RP).
2. The RP submits that the public announcement was made on 09.02.2019, fixing 21.02.2019 as the last day for submitting the claims by the creditors, wherein six claims were received from financial creditors. Subsequently, the IRP constituted the CoC.
3. The RP submits that the two valuers were appointed to determine fair value of the Corporate Applicant. However, the agriculture land owned by the



Corporate Debtor, situated in tribal area could not be identified by the valuers. The valuers could not get the assistance of the revenue officers of the State due general elections-2019.

4. The CoC in its meeting held on 16.04.2019 after due deliberations, considering the fact that the business activities of the Corporate Debtor were stopped long back, resolved not to invite expression of interest and to go for the liquidation of the Corporate applicant. The said resolution was supported by 96.1% of the voting of CoC. Accordingly, the Resolution Professional filed this application for liquidation of the Company as provided u/s 33 of the Insolvency & Bankruptcy Code, 2016 (Code).
5. The Resolution Professional has given his consent to act as Liquidator of Corporate Debtor.
6. On hearing the submissions of the Applicant and on reading the Application and the documents enclosed therein, as the RP has complied with the procedure laid under the Code read with Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, we are of the view that this case is fit for passing liquidation order under sub-section 1 of section 33 of the Code as no resolution plan has been submitted before the Adjudicating Authority by the Resolution Professional, and accordingly, this Bench orders that;
 - a. the Corporate Debtor be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the ROC, the jurisdiction under which this Company has been registered.
 - b. Mr. Pradeep V. Samant is hereby appointed as Liquidator as provided under Section 34(1) of the Code.
 - c. all the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter ceased to exist. All these powers henceforth vest with the Liquidator.
 - d. the personnel of the Corporate Debtor are hereby directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
 - e. the Liquidator will charge Rs. 25,000/- per month as fees for conduct of the liquidation proceedings.
 - f. on having liquidation process initiated, subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the



liquidator to institute suit or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority.

g. this liquidation order shall be deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

7. Consequently, all the powers of the board of directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested in the liquidator.

8. Accordingly, this Misc. Application is hereby allowed directing the Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

SD/-
V. Nallasenapathy
Member (Technical)

SD/-
Bhaskara Pantula Mohan
Member (Judicial)



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On 11-07-19

Assistant Registrar
National Company Law Tribunal Mumbai Bench