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**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD**

SPECIAL BENCH - COURT 1 (HEARINGS THROUGH VIDEO CONFERENCE)

**PRESENT: HON'BLE SHRIMADAN BHALCHANDRA GOSAVI- MEMBER JUDICIAL  
HON'BLE SHRI VEERA BRAHMA RAO AREKAPUDI - MEMBER TECHNICAL**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 05.08.2021 AT 10:30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CP (IB) No. 429/7HDB/2020
NAME OF THE COMPANY	Pentacle Infrastructure and Towers (P) Ltd
NAME OF THE PETITIONER(S)	Hero Wiretex Ltd
NAME OF THE RESPONDENT(S)	Pentacle Infrastructure and Towers (P) Ltd
UNDER SECTION	7 of IBC

**Counsel for Petitioner(s):**

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**Counsel for Respondent(s):**

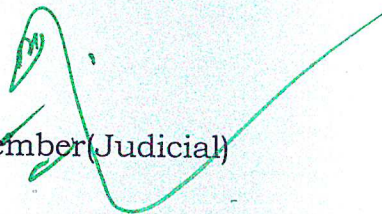
Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**ORDER**

Orders pronounced vide separate orders.

CP(IB)No.429/7/HDB/2020 is admitted.

  
Member(Technical)

  
Member(Judicial)

Pavani

**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH-1**

**CP (IB) No. 429/7/HDB/2020**

Under Section 7 of the Insolvency and Bankruptcy Code,  
2016 read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating  
Authority Rules), 2016.

**In the matter between**

Hero Wirtex Limited

Anthakapally, Rajam Srikakulam Road,  
Srikakulam, Andhra Pradesh.

Represented by its Authorized representative

Shri S Raghunadha Gupta, Director.

**... Financial Creditor**

**VERSUS**

M/s. Pentacle Infrastructure and Towers (P) Ltd

R/o. Plot No. 18,

Sagar Society Street No. 1,

Road No. 2, Banjara Hills,

Hyderabad, Telangana.

**... Corporate Debtor**

**Date of order: 05/08/2021**

**Coram:**

Shri Madan Bhalchandra Gosavi, Hon'ble Member (Judicial)

Shri Veera Brahma Rao Arekapudi, Hon'ble Member (Technical)

**Appearance:**

For the Petitioner : Shri Lalith Jogi, Advocate

For the Respondent: Shri Gunith Rathi, Advocate

Heard on: 22/07/2021.

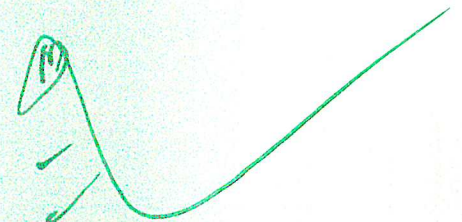
**PER: BENCH**

1. Hero Wiretex Limited (hereinafter referred as Petitioner/Financial Creditor) was incorporated under Companies Act, 1956 on 11/02/1991, having its registered office as mentioned in the cause title.
2. M/s. Pentacle Infrastructure and Towers (P) Ltd (hereinafter referred as Respondent/Corporate Debtor) were incorporated under Companies Act, 1956 on 08/11/2007, having its registered office as mentioned in the cause title.
3. The present Petition is filed by the Financial Creditor under Section 7 of Insolvency and Bankruptcy Code, 2016 (hereinafter referred as "Code") read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority Rules), 2016, seeking admission of the Petition, initiation of Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor granting moratorium and appointment of Interim Resolution Professional as prescribed under the Code and Rules thereon.

**4. Facts**

**4.1** That the corporate Debtor for meeting its financial needs, has taken a loan of Rs. 8,86,16,413/- (Rupees Eight Crore Eighty Six Lakhs Sixteen Thousand Four Hundred and Thirteen only) at an interest rate of 15% per annum from the Petitioner for a period of 20 months.

**4.2** The Corporate Debtor failed to fulfil the obligations of the loan agreement and didn't repay a single instalment. The Petitioner had given abundant time even after the expiry of loan agreement, but the corporate Debtor could not utilize the opportunity.



**4.3** The Corporate Debtor is due and liable to pay a sum of Rs. 11,74,16,747/- (Rupees Eleven Crores Seventy Four Lakhs Sixteen Thousand Seven Hundred and Forty Seven only) including the principal amount Rs. 8,86,16,413/- (Rupees Eight Crore Eighty Six Lakhs Sixteen Thousand Four Hundred and Thirteen only) and interest @15% from 02/04/2018 to 31/05/2020 amounting to Rs. 2,88,00,334/- (Rupees Two Crore Eighty Eight Lakhs Three Hundred Thirty Four only). The Loan agreement is annexed with the petition from Page no. 24-25.

**5. Counter dated 23/03/2021**

**5.1** It is stated that the petitioner approached the Corporate Debtor offering to provide financial assistance on interest basis and then the Corporate Debtor entered into a loan agreement on 02/04/2018 of Rs. 8,86,00,000/- (Rupees Eight Crore Eighty Six Lakhs only). It is submitted that with an intention to gain amounts through the interest portion, the petitioner approached the Corporate Debtor offering to lend financial assistance.

**5.2** It is submitted that the Corporate Debtor had faced numerous financial difficulties which led the company into huge losses and due to the difficulties the Corporate Debtor approached the Petitioner and requested to consider waiving of interest portion and to receive the principal amount in monthly installments. It is submitted that the request of the Corporate Debtor was rejected by the petitioner and demanded for immediate payment of the outstanding amounts.

**5.3** It is submitted that the present petition is not genuine and filed with malicious intentions and the amount claimed by the Petitioner is disputed as the entire claim is untenable and illegal.

**6.** We heard the learned counsel for the Financial Creditor and the learned counsel for the Corporate Debtor and on perusal of the material papers




on record and in terms of extant provisions of Section 7 of the Code, the debt due to the Financial Creditor is proved.

7. Hence, the Adjudicating Authority admits the Petition under Section 7 of the Code, declaring the moratorium for the purposes referred to in Section 14 of the Code, with following directions:

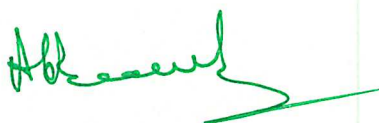
**A.** The Bench hereby prohibits the institution of suits or continuation of pending suits or proceeding against the Corporate Debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including any action under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002); the recovery of any property by an owner or lessor where such property is occupied by or in possession of the Corporate Debtor;

**B.** Notwithstanding anything contained in any other law for the time being in force, a license, permit, registration, quota, concession, clearances or a similar grant or right given by the Central Government, State Government, local authority, sectoral regulator or any other authority constituted under any other law for the time being in force, shall not be suspended or terminated on the grounds of insolvency, subject to the condition that there is no default in payment of current dues arising for the use or continuation of the license, permit, registration, quota, concession,



clearances or a similar grant or right during the moratorium period.

- C.** That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period;
- D.** That the provisions of sub-section(1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator;
- E.** 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 or passes an order for liquidation of Corporate Debtor under Section 33, whichever is earlier;
- F.** This Bench hereby appoints Mr. Ram Murthy Kommera having IP Registration No. IBBI/IPA-002/IP-N00595/2017-2018/11776 #R/o. Plot No. 143, H.No: 8-19, Metro City Mega Township, Bongulooru, Post & Village: M.P. Patelguda, Ibrahim Patnam, Rangareddy, Hyderabad-501510, Telangana. Tel no. 9866500627, e-mail: rammurthyadvocate@gmail.com, as Interim Resolution Professional;
- G.** That the Public Announcement of Corporate Insolvency Resolution Process shall be made immediately as specified under Section 13 of the Code;



**H.** The Registry of this Tribunal is directed to send a copy of this order to RoC, Hyderabad for making appropriate remarks against the Corporate Debtor on MCA site as being under CIRP.

**I.** Accordingly, the Petition is admitted.



**VEERA BRAHMA RAO AREKAPUDI**  
**MEMBER (TECHNICAL)**



**MADAN BHALCHANDRA GOSAVI**  
**MEMBER (JUDICIAL)**