

IN THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH, COURT III

IA. No. 2045/2023

In  
CP(IB)No. 518/MB/2018

*Application filed under section 33(2) of Insolvency and  
Bankruptcy Code, 2016.*

**Mukesh Khathuria, RP**

Staunch Natural Resources Private Limited

**...Applicant**

*In the matter of*

**Lim Fa Pte Ltd.**

**...Operational Creditor**

V/s

**Staunch Natural Resources Private Limited**

**...Corporate Debtor**

**Order Reserved on: 17.10.2023**

**Order delivered on: 27.10.2023**

**CORAM:**

**SHRI CHARANJEET SINGH GULATI**

**HON'BLE MEMBER (T)**

**SMT LAKSHMI GURUNG**

**HON'BLE MEMBER (J)**

*Appearances:*

**For the Applicant/RP : Adv. Prakhar Tandon i/b Adv. Agam H Maloo**

## **ORDER**

***Per- Charanjeet Singh Gulati, Member Technical***

1. It is an application filed u/s 33(2) of the Insolvency & Bankruptcy Code, 2016 by Mr. Mukesh Khathuria, Resolution Professional (RP) of Staunch Natural Resources Private Limited seeking liquidation order and appointment of liquidator, based on the resolution passed by the Committee of Creditors (“CoC”) in its 2<sup>nd</sup> meeting held on 20.07.2022 with a requisite majority as contemplated under I&B Code, 2016.
2. The CP(IB)518(MB)/2018 was admitted by this Tribunal on 10.06.2022 and CIRP of Corporate Debtor viz. Staunch Natural Resources Private Limited was initiated. Mr. Mukesh Khathuria was appointed as Interim Resolution Professional (“IRP”) and subsequently appointed as Resolution Professional in the 2<sup>nd</sup> CoC meeting. The Applicant submitted that during the course of Corporate Insolvency Resolution Process of the Corporate Debtor as many as two CoC meetings were held.
3. The Applicant issued a Public Announcement in Form 'A' inviting claims on 25.06.2022 in Free Press, (English Ed.) and Navshakti, (Marathi Ed.). Pursuant to this, the IRP received claims from Union Bank of India, Financial Creditor. The said claim was verified on the basis of documents submitted by them.

4. The Applicant conducted the First meeting on 22.07.2022 wherein the Applicant has constituted the Committee of Creditors with one financial creditor i.e., Union Bank of India. The 2<sup>nd</sup> CoC meeting was conducted on 21.12.2022, wherein the Applicant informed to the CoC that two registered valuers have been appointed. The Applicant further informed the CoC that company is no longer in operation and office premises are closed from last three years. In absence of further availability of data, the Applicant expressed its inability to prepare detailed Information Memorandum.
  
5. The CoC in the same meeting informed that the business of the Corporate Debtor is non-existent and the CoC does not see any chance of revival of the Corporate Debtor. After due deliberations, the CoC and the Applicant concluded that the issuance of the Expression of Interest, calling Resolution Plan, etc. would be futile and time consuming. Therefore, the CoC took the decision to liquidate the Corporate Debtor as per the section 33(2) of the Code and to appoint the Applicant as liquidator. The relevant extract of the resolution passed in 2<sup>nd</sup> CoC meeting are as follows:

*“RESOLVED THAT pursuant to the provisions of the Insolvency and Bankruptcy Code, 2016 and the Rules and Regulations thereunder, the members of the Committee of Creditors hereby decides for the Liquidation of the Corporate Debtor namely Staunch Natural Resources private Limited, u/s Section 33(2) of the Insolvency and Bankruptcy Code, 2016 and recommends the Hon. NCLT accordingly.*

*Further Resolved that in terms of Section 33(2), the IRP/RP be and hereby requested to file the necessary application before the Hon. NCLT by intimating the Adjudicating Authority of the decision of the Committee of Creditors and requesting NCLT to pass Liquidation order as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub section (1).*

**RESOLVED FURTHER** *pursuant to the provisions of the Insolvency and Bankruptcy Code, 2016 and the Rules and Regulations thereunder, the members of the Committee of Creditor hereby approved the appointment of Mukesh Khathuria, Insolvency Professional Registration with IBBI No.: IBBI/IPA-001/IP-P-01216/2018-19/11925, as Liquidator to carry out the functions entrusted by the provisions of the Insolvency and Bankruptcy Code, 2016, Rules and Regulations thereto.*

6. Looking at the application and averments, we are of the considered opinion that this is a fit case for liquidation, therefore, we hereby order for liquidation of the company with directions as follows:

- a. After looking into the consent given by the Applicant/Insolvency Professional and the minutes of 2<sup>nd</sup> meeting of CoC, **Mr. Mukesh Khathuria**, holding Registration **No. IBBI/IPA-001/IP-P-01216/2018-19/11925**, is appointed as the Liquidator in terms of Section 34 of the Code;
- b. Registry is directed to communicate this Order to the Registrar of Companies, Mumbai and to the Insolvency

and Bankruptcy Board of India;

- c. The Order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and a fresh Moratorium under Section 33(5) of the Insolvency and Bankruptcy Code shall commence;
- d. This order shall be deemed to be a notice of discharge to the officers, employees and the workmen of the corporate debtor as per Section 33(7) of the Insolvency and Bankruptcy Code, 2016;
- e. The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016 and in accordance with the relevant rules and regulations.
- f. The Liquidator shall follow up and continue to investigate the financial affairs of the Corporate Debtor in accordance with provisions of Section 35(1) of the Code.
- g. The liquidator shall also follow up the pending applications for their disposal during the process of liquidation including initiation of steps for recovery of dues of the Corporate Debtor as per law.
- h. The Liquidator shall submit a Preliminary Report to the Adjudicating Authority within seventy-five days from the

liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016;

- i. Copy of this order be sent to the financial creditors, corporate debtor, the Liquidator for taking necessary steps.

7. The **IA-2045/2023** filed by the RP for Liquidation of the Corporate Debtor stands **allowed**.

Sd/-

**CHARANJEET SINGH GULATI  
(MEMBER TECHNICAL)**

Sd/-

**LAKSHMI GURUNG  
(MEMBER JUDICIAL)**

Arpan, LRA