



**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**DIVISION BENCH**  
**COURT-1**

ITEM NO. 302  
I.A. No. 825 of 2021  
IN  
C.P. (I.B.) No.597/NCLT/AHM/2018

**Order under section 54 IBC**

Mr. Atul Mittal  
Liquidator of  
M/s Riddhi Siddhi Cotton Ginning & Pressing  
Private Limited

....Applicant

**IN THE MATTER OF :**

Bank of Baroda

....Financial Creditor

Versus

M/s. Riddhi Siddhi Cotton Ginning & Pressing  
Private Limited

....Corporate Debtor

Order delivered on: 14/09/2023

**Coram:**

Mr. Shammi Khan, Hon'ble Member (J)  
Mr. Sameer Kakar. Hon'ble Member(T)

**PRESENT:**

For the Applicant :  
For the Respondent :

**ORDER**

The case is fixed for pronouncement of order. The order is pronounced in the open court, vide separate sheet.

-SD-

**SAMEER KAKAR**  
**MEMBER (TECHNICAL)**

-SD-

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**



**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH - COURT-I**

**I.A. No. 825 (AHM)/2021  
IN  
C.P. (I.B.) No.597/7/NCLT/AHM/2018**

*(An application filed by the Liquidator for dissolution of the Corporate Debtor under section 54 of the Insolvency and Bankruptcy Code, 2016 r.w. Regulation 45(3) of the IBBI (Liquidation Process) Regulations, 2016)*

**Mr. Atul Mittal**

Liquidator of  
M/s Riddhi Siddhi Cotton Ginning & Pressing  
Private Limited  
Having office at:  
174, Balco Apartments,  
Plot No. 58-IP Extension,  
Dekhi-110092

**....Applicant/Liquidator**

**IN THE MATTER OF:**

Bank of Baroda

**....Financial Creditor**

VERSUS

M/s. Riddhi Siddhi Cotton Ginning & Pressing  
Private Limited

**....Corporate Debtor**

**Order Pronounced on: 14.09.2023**

**Coram: Shammi Khan, Hon'ble Member (Judicial)  
Sameer Kakar, Hon'ble Member (Technical)**

**Appearance:**

For the Applicant : Kuldeep K Adesara, Adv.

For the Respondent :



**ORDER**

1. The instant application is filed on 02.12.2021 by Mr. Atul Mittal- the Liquidator of M/s Riddhi Siddhi Cotton Ginning & Pressing Pvt. Ltd., under section 54(1) of the Insolvency and Bankruptcy Code, 2016 seeking dissolution of the Corporate Debtor i.e. M/s Riddhi Siddhi Cotton Ginning & Pressing Pvt. Ltd.
  
2. The petition bearing C.P. No. 597 of 2018 was filed by the Financial Creditor-Bank of Baroda for initiating Corporate Insolvency Resolution Process (hereinafter referred to as “**CIRP**”) against the Corporate Debtor- Riddhi Siddhi Cotton Ginning & Pressing Pvt. Ltd. The said petition was admitted into CIRP vide order dated 13.01.2020 and the Applicant herein was appointed as IRP and thereafter as RP.
  
3. The averments made by the applicant in the application are as under:
  - a) In view of no EOI an application bearing I.A. No. 453 of 2020 was filed seeking liquidation of Corporate Debtor. The said application was allowed vide order dated 09.09.2020 and the Adjudication Authority initiated liquidation process



against the Corporate debtor. Further, the Applicant was appointed as the Liquidator of the Corporate Debtor.

- b) The Applicant filed Form INC-28 with the Registrar of Companies on 18.09.2020 to notify that the Corporate Debtor is in liquidation.
- c) Thereafter, a public announcement in the Form-B was issued on 19.09.2020 by the liquidator under Regulation 12 of the IBBI (liquidation process) Regulations, 2016 and the same was uploaded on website of IBBI and also published in Indian Express (English) and Gujarat Samachar (Gujarati) newspapers.
- d) A Preliminary Report was prepared on 25.11.2020 as per the Regulation 5 & 13 of Liquidation Process Regulations, 2016 and submitted to this Bench.
- e) Pursuant to public announcement, the Applicant received several claims and verified the same. The Applicant filed the list of creditors before this Bench on 04.11.2020. The Applicant also published the list of stakeholders on 05.11.2020 in Financial Express (English) and Financial Express (Gujarati) newspapers.



- f) The Applicant has prepared estimated balance sheet as on liquidation commencement date i.e. 09.09.2020.
- g) The Applicant issued sale notice for the third time in two daily newspapers being Business Standard (English) and Sandesh (Gujarati) newspapers on 04.06.2021 and the E-auction process documents dated 02.06.2021 was uploaded on E-auction website. The last date of receipt of EMD in respect of asset was 25.06.2021 and E-auction date and time was 26.06.2021 from 11:00 Hrs. to 13:00 Hrs.
- h) In response to issue of sale notice, One EOI was received on 22.06.2021 and the bid amount of Rs.4,51,00,000/- (Rupees Four Crore Fifty One Lakh only) was submitted by Mr. Hardik P. Siddhpura, Dimpalben P. Siddhpura and Siddhpura Hiren Sureshbhai on 26.06.2021. Therefore, the Applicant declared Mr. Hardik P. Siddhpura, Dimpalben P. Siddhpura and Siddhpura Hiren Sureshbhai as successful highest bidders vide letter of intent dated 26.06.2021.
- i) The liquidation process was to expire on 09.09.2021 and the 90 days of making payment of sale consideration along with interest was to complete on 23.09.2021. Therefore, the



Applicant filed an application bearing I.A. No.633/2021 seeking extension of period of liquidation. The said application was allowed vide order dated 20.09.2021 and extension of 60 days was granted.

- j) Another application bearing I.A. No.715 of 2021 was filed by the bidder seeking extension of payment period beyond 90 days for making entire payment as per the terms of sale notice. The said application was allowed vide order dated 25.10.2021 and further 10 days extension was granted from the date of order to make entire payment.
- k) The entire payment was made by successful bidder amounting to Rs.4,54,16,614/- along with interest. Thereafter, on receipt of full and final payment the Applicant issued sale certificate on 09.11.2021. Further, the possession of the property and original documents regarding ownership of the property were handed over to successful auction purchaser on 12.11.2021.
- l) The Applicant has realized aggregate amount to the tune of Rs.4,54,19,972/- for distribution to the stakeholders as per the provisions of Section 53(1) of the IBC, 2016. The details given are summarized as under:



<b>Realizable Asset</b>	<b>Amount as on Liquidation Commencement Date 09.09.2020</b>	<b>Amount Realized</b>	<b>Remarks</b>
Land & Building	Rs.2,65,67,500/- per valuation report	Rs.4,35,60,000/-	Bid accepted for Rs.4,51,00,000 of which Rs.4,40,00,000 (Less 1% TDS deposited u/s 194IA of Income tax Act, 1961 for purchase transaction of immovable property).
Plant and Machinery	Rs.3,457,500/- as per valuation report	Rs.11,00,000/-	Bid accepted for Rs.4,51,00,000/- of which plant and machinery valued at Rs.11,00,000+ GST @18%. (The GST amount of Rs.198,000 was received and deposited separately)
Interest for delayed payment by bidder	NIL	Rs.7,56,614/-	Being amount calculated @12% for period after 30 days
Cash & Bank Balance	3,358/-	3,358	Amount lying-in current account of the Corporate Debtor.
<b>Total</b>	<b>30,028,358/-</b>	<b>45,419,972/-</b>	



- m) The Applicant has submitted the first, second, third and fourth quarterly report before this Bench on 19.01.2021, 01.06.2021, 02.07.2021 and 06.10.2021 respectively. Also, final report as per the provisions of Section 54 of the IBC, 2016 read with Regulation 45 of the Liquidation Process, 2016 has been filed on 26.11.2021.
4. The present application was heard and reserve for orders on 27.06.2022. On perusal of records it was observed that proof of closure of liquidation account as well as statement of liquidation bank account and minutes of 7<sup>th</sup> meeting of Stakeholders Consultation Committee wherein resolution for dissolution was passed is not annexed with the application. Further, an I.A. No. 837 of 2021 filed by State Tax Officer (5) was also pending. Therefore, this Adjudicating Authority vide its order dated 18.07.2022 sought clarifications from the Applicant on the aforesaid points.
5. In compliance of order dated 18.07.2022, the Applicant filed a clarificatory affidavit on 01.08.2022 wherein, account closure form as well as statement of liquidation bank account and minutes of 7<sup>th</sup> SCC meeting dated 22.11.2021 has been annexed.



6. This Adjudicating Authority vide order dated 21.08.2023 dismissed I.A. No. 837 of 2021 filed by State Tax Department as on past several occasions no one appeared to press this application.
7. The Applicant/Liquidator has not filed any Application under section 43, 45, 50 and section 66 of IBC, 2016. Further in Form-H, the amounts distributed to stakeholders as per section 52 and 53 of the code has been reproduced hereunder:

<b>S. N.</b>	<b>Stakeholders u/s. 53(1)</b>	<b>Amount Claimed</b>	<b>Amount Admitted</b>	<b>Amount Distributed</b>	<b>Amount Distributed to the Amount Claimed (%)</b>
1	(a) Unpaid CIRP Costs	-	-	-	-
2	(a) Unpaid Liquidation Costs	7,62,585	7,62,585	7,62,585	100
3	(b)(i): Workmen dues for 24 months	-	-	-	-
4	(b)(ii): Secured Creditor who has relinquished security (Bank of Baroda)	34,57,19,000	34,57,19,000	44,657,387	13
5	(c): Wages and unpaid dues to	-	-	-	-



	employees for 12 months				
6	(d): Financial Creditor	-	-	-	-
7	(e)(i): State Tax Deptt.	24,35,33,22 5	24,35,33,22 5		
8	(e)(ii): Secured Creditor for any amount unpaid following the enforcement of security interest	-	-	-	-
9	(f): Operational Creditor (Paschim Gujarat VIJ Co. Ltd.)	13,28,584	13,28,584	-	-
10	(g): Preference Shareholder s	-	-	-	-
11	(h): Equity Shareholder s or partners	-	-	-	-
<b>Total</b>		<b>59,13,43,3 94</b>	<b>59,13,43,3 94</b>	<b>4,54,19,97 2</b>	-

8. Heard the learned counsel for the Applicant and perused the material available on record. It is noted that in view of no EOI an application for liquidation was filed and same was allowed vide order dated 09.09.2020. The Applicant constituted the SCC which



comprised of Bank of Baroda, State Tax Officer and Paschim Gujarat VIJ Company Limited. The SCC in its 7<sup>th</sup> meeting dated 22.11.2021 passed resolution to dissolve the Corporate Debtor. The final report along with Form-H in compliance with regulation 45 of the Liquidation Regulations is on record. Further, entire liquidation assets have been realised and no further assets are left to be realised with the Corporate Debtor for any further disposal. Hence, the Corporate Debtor is required to be dissolved under Section 54(2) of the Code. Accordingly, we pass the order of dissolution of the Corporate Debtor as under:-

- I. The Corporate Debtor, **M/s. Riddhi Siddhi Cotton Ginning & Pressing Private Limited**, having CIN No. U17110GJ2006PTC047981 stands dissolved from the date of this order as per Section 54(2) of the Insolvency and Bankruptcy Code, 2016.
- II. Consequently, the liquidator Mr. Atul Mittal is discharged from his duties and responsibilities as the liquidator of the Corporate Debtor.
- III. The liquidator and registry are directed to send a copy of this order to the Registrar of Companies, Gujarat, Ahmedabad within seven days from this order for information and necessary action.



- IV. The Liquidator shall preserve physical or electronic copy of the reports, registers, and books of account referred to in Regulations 45A of the IBBI (Liquidation Process) Regulations, 2016 for at least eight years after the dissolution of the Corporate Debtor, either with himself or with an information utility.
- V. A copy of this order shall also be forwarded to the IBBI, and concerned parties for their record.
9. With the above directions, **IA 825 (AHM)/ 2021** in **CP (IB) 597 of 2018** is allowed and stands disposed of.

-SD-  
**SAMEER KAKAR**  
**MEMBER (TECHNICAL)**

-SD-  
**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**

AT/AS