

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

C.P. No. 2438/I&BP/2019

Under section 8 & 9 of the IBC, 2016

In the matter of

ABN Trade Link Private Limited

Shop No. UG -216(A), Dreams the
mall, L.B.S. Marg, Bhandup West,
Mumbai – 400 079

.... Petitioner

V/s.

Sonarch International Private Limited

B-112, Hind Saurashtra Industrial Estate,
Marol Naka, Andheri (East), Mumbai-
400059

.... Corporate Debtor

Order delivered on: 14-10-2019

Coram:

Hon'ble Smt. Suchitra Kanuparthi, Member (Judicial)

Hon'ble Shri V. Nallasenapathy, Member (Technical)

For the Petitioner: Adv. Rita Yadav a/w Adv. Kajal Sarvanja i/b Reeti
Law Associates

For the Corporate Debtor: Adv. Sujata Meleka

Per: Suchitra Kanuparthi, Member (Judicial)

ORDER

1. This company Petition is filed by ABN Trade Link Private Limited (hereinafter called "Petitioner") seeking to set in motion the Corporate Insolvency Resolution Process (CIRP) against Sonarch International Private Limited (hereinafter called "Corporate Debtor") alleging that the Corporate Debtor committed default in making payment to the extent of Rs. 60,98,19,636/- (Sixty Crore Ninety-Eight Lakh Nineteen Thousand Six Hundred and Thirty-Six) including Interest at the rate of 24% per annum by invoking the provisions of Section 8 and 9 of the Insolvency & Bankruptcy

Code (hereinafter called "Code") read with Rule 5 and 6 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

2. The petition reveals that the Petitioner supplied vitrified tiles, MS pipes and TMT bars to the Corporate Debtor and raised invoices to the extent of Rs. 60,98,19,636/-. The statement of accounts reveals that the supplies were made during the period from 01-04-2013 to 31-3-2015 and the last payment received by the petitioner on 30-03-2015. The Corporate Debtor acknowledged the liability on 01-11-2017, vide confirmation of accounts 01-04-2013 to 31-10-2017.

3. After repeated requests and reminders, the Petitioner issued recall notice 15-10-2017 demanding the payment and again the demand notice was sent on 07.06.2019 under section 8 of the code to the Corporate Debtor demanding the outstanding of Rs.60,98,19,636/- including interest @ 24% per annum for the delayed period. There was no reply from the Corporate Debtor for the demand notice.

4. The Counsel for the Petitioner submitted that the debt is due, and the Corporate Debtor defaulted in making the payments. During the course of argument, on 11.09.2019 the counsel for the Corporate Debtor admitted the liability and default, hence the petition deserves admission.

5. One Mr. Ubaid Ahmed Abdul Qadir Patel, residing at F/403, Goodwill Gardens, Sector-8, Kharghar, Navi Mumbai, Maharashtra-410210; having Registration No. IBBI/IPA-002/IP-N00715/2018-2019/12352 has given his consent in Form No. 2 to act as an Interim Resolution Professional.

6. This Bench having been satisfied with the application filed by the Operational Creditor which is in compliance of provisions of Section 8 & 9 of the Insolvency & Bankruptcy Code admits this application declaring Moratorium with the directions as mentioned below:

- (a) that this bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgement, decree or other in any court of law; 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 the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.

(b) 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.

(c) 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.

(d) that the order of moratorium shall have effect from 14-10-2019 till the completion of the CIRP 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, as the case may be.

(e) that the public announcement of the CIRP shall be made immediately as specified under Section 13 of the Code.

(f) that this Bench hereby appoints Mr. Ubaid Ahmed Abdul Qadir Patel, residing at F/403, Goodwill Gardens, Sector-8, Kharghar, Navi Mumbai, Maharashtra-410210; having Registration No. IBBI/IPA-002/IP-N00715/2018-2019/12352 as Interim Resolution Professional to carry the functions as mentioned under the Code.

7. Accordingly, this Petition is admitted.

8. The Registry is hereby directed to communicate this order to both the parties and to the Interim Resolution Professional immediately.

Sd/-
V. Nallasenapathy
Member (Technical)

Sd/-
Suchitra Kanuparthi
Member (Judicial)