



**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT - II**

CP No. 3457/IBC/MB/2019

Under Section 9 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudication Authority) Rule 2016)

In the matter of

Trig Detective Pvt. Ltd.

D.N Nagar Andheri (W), Mumbai.

.....Operational Creditor

V/s

Gorgeous Skin Private Limited.

Having Registered Office at: Amar Deep
Jyoti Co-op Housing Society, Flat No. 1,
first Floor, Plot No. 537, Linking Road,
Bandra West, Mumbai - 400052.

.....Corporate Debtor

Order delivered on:- 11.11.2022

Coram:

**Hon'ble Member (Judicial)
Hon'ble Member (Technical)**

**: Justice P.N. Deshmukh (Retd.)
: Mr. Shyam Babu Gautam**

Appearances:

**For the Operational Creditor
For the Corporate Debtor**

**: Mr. Kunal Vaishnav
: None Present**



ORDER

Per :- Justice P.N. Deshmukh, Member Judicial

1. The Company Petition is filed by *Trig Detective Pvt. Ltd.* (hereinafter called “Operational Creditor”) seeking to initiate Corporate Insolvency Resolution Process (CIRP) against *Gorgeous Skin Private Limited* (hereinafter called “Corporate Debtor”) alleging that the Corporate debtor committed default in making payment to the Operational Creditor. This petition has been filed by invoking the provisions of Section 9 Insolvency and Bankruptcy Code, 2016 (hereinafter called “the Code”) read with Rule 6 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.
2. The present petition is filed before this Adjudicating Authority on the ground that the Corporate Debtor failed to make payment of a sum of Rs. 20,41,307/- (Rupees Twenty Lakhs Forty-One Thousand Three Hundred and Seven Only), Principal Amount being 12,69,125/- (Rupees Twelve Lakhs Sixty Nine Thousand One Hundred and Twenty Five Only) along with interest @ 24% to the tune of 7,72,182/- (Rupees Seven Lakhs Seventy Two Thousand One Hundred and Eighty Two Only). The amount fell due on different dates as per the bill of supply towards providing security services for the seventeen months at the terms and conditions in Agreement dated 01.01.2016.
3. The Operational Creditor has placed on record letter dated 01.06.2017 thereby demanding payment of the outstanding amount. The said letter has been acknowledged as accepted. The Operational Creditor sent 2nd Reminder demanding the outstanding amount due. The



Operational Creditor sent a final reminder dated 12.10.2017 demanding the due amount and also intimated that if the amount is not released, the Operational Creditor will be constrained to initiate legal proceeding both civil and criminal not excluding proceedings under the Insolvency and Bankruptcy Code, 2016 against the Corporate Debtor.

4. The Operational Creditor time and again reminded the Corporate Debtor to clear the outstanding dues, but the Corporate Debtor failed to clear the outstanding dues of the Operational Creditor and was constrained to address a statutory demand notice dated under section 8 of the Code on 30.05.2019 to the Corporate Debtor.
5. Further, the Corporate Debtor through letter dated 18.10.2017 replied to the letter of the Operational Creditor dated 12.10.2017 thereby informing that they are not unable to make payment as they are not able to raise funds from investors due to negative covenant of financial crises. The Corporate Debtor vide another reply dated 12.08.2017 to the letter of the Operational Creditor dated 05.08.2017, the Corporate Debtor requested for some time as they were facing shortage of funds.
6. This shows the admission on the part of the Corporate Debtor that they were not able to pay the outstanding amount.

FINDINGS

7. We have heard the submissions of the Counsel appearing for the Operational Creditor. It is seen from the records that the Corporate Debtor has filed its reply dated 30.08.2021 wherein the Corporate Debtor has accepted that the Corporate Debtor had availed the goods



from the Operational Creditor and also admitted the fact that the Corporate Debtor Company is not in a position to pay its outstanding dues. Further it is also noted that the Corporate Debtor due to nonappearance from 27.10.2021 were set to be ex-parte on 15.07.2022.

8. The Operational Creditor has successfully demonstrated and proved the debt and default in this case and also the Corporate Debtor has accepted its inability to pay to the Operational Creditor. Hence this Bench is left with no option except to admit the above Company Petition, since the above Company Petition in hand satisfies all necessary legal ingredients for admission under Section 9 of the Code.
9. Hence, it is evident that the Corporate Debtor Company were not in a position to pay the debt and also any contentions of the Corporate Debtor were not raised/replied to the Demand Notice sent by the Operational Creditor to the Corporate Debtor.
10. For the foregoing reasons, the above Company Petition is liable to be admitted, and accordingly the same is admitted by passing the following:

ORDER

- a. **The above Company Petition No. (IB) -3457 (MB)/2019 is hereby admitted** and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against Gorgeous Skin Private Limited.



- b. This Bench hereby appoints **Mr. Rajan Garg**, Insolvency Professional, Registration No: **IBBI/IPA-001/IP-P02397/2021-2022/13624**, having email as: - **fcarajangarg@gmail.com** as the Interim Resolution Professional to carry out the functions as mentioned under the Insolvency & Bankruptcy Code, 2016.
- c. The Operational Creditor shall deposit an amount of Rs. Three Lakhs towards the initial CIRP cost by way of a Demand Draft drawn in favour of the Interim Resolution Professional appointed herein, immediately upon communication of this Order.
- d. That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings 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 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.



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- e. 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.
- f. 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.
- g. That the order of moratorium shall have effect from the date of pronouncement 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, as the case may be.
- h. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
- i. During the CIRP period, the management of the corporate debtor will vest in the IRP/RP. The suspended directors and employees of the Corporate Debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP/RP.
- j. Registry shall send a copy of this order to the concerned Registrar of Companies for updating the Master Data of the Corporate Debtor.



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Accordingly, this Petition is admitted.

The Registry is hereby directed to communicate this order
to both the parties and to IRP immediately.

Sd/-

**SHYAM BABU GAUTAM
(MEMBER TECHNICAL)**

Sd/-

**JUSTICE P. N DESHMUKH
(MEMBER JUDICIAL)**