IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI (COURT- III)

IA-2219/2023
In
IB-310/ND/2019

IN THE MATTER OF :-

Ms. Suman Chadha .... Applicant/Operational Creditor

Versus

M/s Lifestyle Fitness Private Limited .... Respondent/Corporate Debtor

AND IN THE MATTER OF:-

1. KAMAL AGARWAL

(Liquidator of the Corporate Debtor

M/s Lifestyle Fitness Private Limited in liquidation)

487/27 School Road Peeragarhi

New Delhi- 110087 .... Applicant/Liquidator

Versus

1. AASHISH GUPTA

(Ex-director of corporate debtor)

S/o Sh S K Gupta

R/o 62C MIG Flats Motia Khan

Paharganj New Delhi- 110055 .... Non-applicant No. 1

2. POONAM GUPTA

(Ex-director of corporate debtor)

S/o Sh S K Gupta

R/o 62C MIG Flats Motia Khan

Paharganj New Delhi- 110055 .... Non-applicant No. 2

3. SUMAN CHADHA

(Applicant/operational creditor)

W/o Late Sh Ashok Chadha
R/o 1077, Third Floor, Rani Bagh
New Delhi-110034 .... Non-applicant No. 3

4. VIJAY YADAV
(Operational Creditor)
House no 58, South City 2
Gurugram -122018 .... Non-applicant No. 4

5. Gulshan Bhutani
(Operational Creditor)
House no 679, Sector 14, Gurugram
Gurugram -122001 .... Non-applicant No. 5

6. State Bank of India
Old Delhi Road Branch
M-L7, Old DLF Colony
Sector- 14 Gurugram- 122001 .... Non-applicant No. 6

Pronounced on: 16.06.2023

CORAM:-
SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)
SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

APPEARANCE:-

For the Applicant : Mr. Siddharth Arora, Advocate for Non-applicant No. 3
For the Respondent :

ORDER

PER: BACHU VENKAT BALARAM DAS, MEMBER (JUDICIAL)

1. This application has been filed by the Liquidator wherein he has made the following prayers:

a. ***"Take on record the status report filed by the liquidator of the corporate debtor in compliance of order dated 14.02.2023 in IA 389 of 2027 of this Hon'ble Court;***
b. ***Allow payment to the stakeholders and liquidation Costs as detailed in para 19 of this status report;***
c. ***Allow the transfer of management of the corporate debtor to the ex-directors as detailed in para 20 of the status report;"***

2. It is submitted that the Liquidation order was passed by this Tribunal on 21.09.2020 and Mr. Kamal Kumar Aggarwal was appointed as a Liquidator. The Liquidator took all steps as envisaged under the provisions for Liquidation of the Company. The Liquidator received claims pursuant to the public announcement in Form B dated 02.10.2020 during the Liquidation process from State Bank of India (Secured Financial Creditor Security interest relinquished), Shri ML Gupta (unsecured Financial Creditor) and Ms. Suman Chadha (Operational Creditor).
3. The Liquidator also received claims from employees (1) in Form-E and other creditors (8) in Form –G.
4. The Liquidator has also invited claims from all the stakeholders and determined their claims based on the available information.
5. It is pertinent to mention here that an application under Regulation 2B of IBBI Liquidation Process Regulations, 2016 read with Section 230 of Companies Act, 2013 was filed for sanctioning and accepting the Scheme of Compromise between the Applicants in IA-389/2021 by Mrs. Poonam Gupta and Mr. Ashish Gupta being as Ex-directors, promotes, shareholders of the Corporate Debtor.
6. This Tribunal vide order dated 14.02.2023 allowed the application for amalgamation, compromise and arrangement and directed the Liquidator to conduct a meeting with all the stakeholders and put the scheme on voting and submit its report within 30 days from the date of pronouncement of this order. The Liquidator was also directed to ensure

that the compliance of Section 230 of the Companies Act, 2013. This Tribunal vide order dated 16.05.2023 recorded that the Liquidator served a copy of the Report to all the stakeholders pursuant to the directions given by this Tribunal dated 14.02.2023 passed in IA-389/2021, the Liquidator filed a report on 18.04.2023. The Liquidator has submitted that all the stakeholders have given their consent in favour of the Scheme of Compromise, amalgamation and therefore prayed that the status report be taken on record and necessary directions with regard to the payment of stakeholders of Liquidation costs, transfer of management of the Corporate Debtor to the Ex-directors etc., may be passed.

7. The Liquidator has placed on record a copy of the minutes of the meeting of the stakeholders consultation committee alongwith attendance Sheet and consultation and voting sheet and he has also placed on record the various e-mails exchanged with the ex-directors and their counsel along with the final Audited Balance Sheets and the liquidator's report for the Financial Year 2018-19, 2019-20, 2020-21 and 2O21-22.

8. We have heard the submission of Ld. Counsel appearing for the parties. We have also perused the records of the present application and the report submitted by Liquidator and we are satisfied that all the legal formalities have been completed and the proposed scheme is in accordance with the provisions of law.

9. We, therefore, direct the following:-

   i. The status report filed by the Liquidator in compliance with the order dated 14.02.2023 passed in IA-389/2021 is taken on record.

   ii. The Liquidator is directed to make payment to the stakeholders and Liquidation Costs as mentioned in Para-19 of this status report.

   iii. We further direct that the management of the Corporate Debtor be satisfied to the ex-directors as mentioned in Para-20 of the status report. We also direct the Liquidator to make necessary payments in a time bound manner preferably within three months from the date of this order.

iv. In terms of the above order, the IA is **disposed of.**

Sd/-	**Sd/-**
(ATUL CHATURVEDI)	**(BACHU VENKAT BALARAM DAS)**
MEMBER (TECHNICAL)	**MEMBER (JUDICIAL)**