

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

C.P.(IB) 520MB/2022

Under Section 59 of IBC, 2016

In the matter of

**M/s. Brigantine Admec Container
Services (India) Private Limited**

Office at Geetmala Complex, Himalaya
Building, 4th Floor, Near shah Industrial
Estate, Govandi(E) Mumbai MH 400088
IN

.... Corporate Person

Shashikant Shravan Dhamne

.... Insolvency

Professional /Liquidator

Order delivered on: 27.04.2022

Coram:

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

Hon'ble Smt. Anuradha Sanjay Bhatia, Member (Technical)

For the Applicant: Ms. Prachi Wazalwar, Advocate

Per: Anuradha Sanjay Bhatia, Member (Technical)

ORDER



1. This is a Company Petition filed under Section 59(7) of the Insolvency and Bankruptcy Code, 2016 (hereinafter called "Code") by a Corporate Person, namely Brigantine Admec Container Services (India) Private Limited through the Insolvency Professional, namely, Mr. Shashikant Shravan Dhamne for dissolution of the Corporate Person through voluntary liquidation and accordingly it has proposed for voluntarily winding up under Section 59 of the Code, read with Rules and Regulations therein. The Corporate Person has completed requisite formalities and procedure of liquidation in compliance of law and has filed this Petition for its dissolution under Section 59(7) of the Code.

2. The Corporate Person was incorporated on 05.05.2009, CIN No. U74999MH2009PTC192194, having Registered Office at Geetmala Complex, Himalaya Building, 4th Floor, Near shah Industrial Estate, Govandi(E) Mumbai MH 400088 IN.

3. The Board of Directors of the Corporate Person by a Resolution dated 08.03.2021 decided to liquidate the company voluntarily. The Board of Directors, after having made full inquiry into the affairs of the Corporate Person, formed an opinion that the Company has no debt and the Company is not being liquidated to defraud any person and filed a declaration to that effect and also filed declaration of solvency in form GNL-2 with Registrar of Companies, Mumbai on 12.03.2021 as required under Section 59(3)(a) of the Code.

4. The Applicant enclosed the Audited Financial Statement for the latest two Financial Years 2018-2019 and 2019-2020 as provided under Section 59(3)(b)(i) of the Code.



5. On 08.03.2021 the members of the Corporate Person passed a Special Resolution in the Extra-Ordinary General Meeting to liquidate the Company and to appoint Mr. Shashikant Shravan Dhamne, as the Liquidator, with a remuneration of Rs. 2,42,250/- exclusive of costs of engaging other professionals, statutory expenses, expenses incurred on publication of notices, other incidental expenses and applicable taxes that may be incurred in the process of voluntary liquidation of the company for performing the job of liquidation of the Corporate Person as required under Section 59 (3)(c)(i) of the Code. The consent of the creditors was received by the liquidator. Hence the requirement of the Special Resolution being approved by creditors having 2/3rd value of shares as required under proviso to sub-section (3) of Section 59 has been complied with.

6. The Directors, Mrs. Mamta Gupta and Mr. Ganesh Krishnan, has affirmed on affidavit, declaring the solvency of the company. Therefore, it can be said that the company is not liquidated to defraud any person.

7. The Liquidator notified the Registrar of Companies, Mumbai on 12.03.2021 vide Form MGT-14 and IBBI, on 10.03.2021 vide Form A, about the passing of a Special Resolution to liquidate the Corporate Person. Further, the Liquidator has duly intimated the Income-tax Department about the voluntary liquidation of the Corporate Person and as per the IBBI Regulations No. IBBI/LIQ/45/2021 dated 15.11.2021 no objection certificate is required from the Income Tax Department.

8. The Liquidator made a public announcement regarding the liquidation of the Corporate Person in two newspapers on 11.03.2021, one

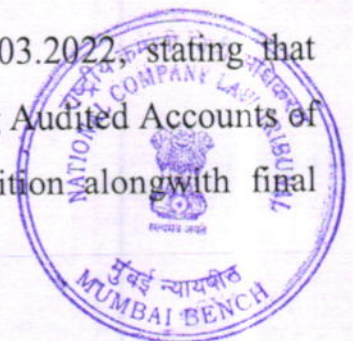


in English and another in vernacular language, calling upon the stakeholders, if any, to submit their claims as required under Regulation 14 of IBBI (Voluntary Liquidation Process) Regulations, 2017 (hereinafter called "IBBI Regulations"). The liquidator did not receive any claims in response to the public announcement.

9. The Liquidator further submits that the liquidator opened a Bank account in the name of "Brigantine Admec Container Services (India) Private Limited in Vol Liq" in Voluntary Liquidation with The Hongkong and Shanghai Banking Corporation Limited for realisation and payment to the creditors and members, subsequent to the payment to Creditors and Members of the Company the Liquidator has closed the Liquidation Account on 02.03.2022. Copy of bank account is annexed to the Petition.

10. The Liquidator submitted Preliminary Report on 10.04.2021, which stated details of the Capital Structure of the company, shareholding and estimated statement of Assets & Liabilities, the statement confirmed that the Cash and bank balances is Rs. 75,77,377/-, Deposit with tax authorities is Rs. 25,000/-, Fixed Deposit is Rs. 50,000/-, TDS on FD interest receivable is Rs. 53,270/-, Balance with other government authorities is Rs. 94,879/- and Interest accrued on Deposits is Rs. 7,637/-. The Liquidator further filed audited accounts of liquidation and the statement in accordance with Regulation 38 IBBI (Voluntary Liquidation Process) Regulations, 2017.

11. The Liquidator filed final report dated 05.03.2022, stating that liquidation process has been completed by annexing Audited Accounts of liquidation. Finally, the Liquidator filed this Petition alongwith final



report and sent a copy of the final report to the Registrar of Companies, Mumbai on 10.03.2022 vide Form GNL-2 and IBBI on 09.03.2022 (Compliance of Section 59(6) of Code, read with Regulation 32 and 34-38 of IBBI Regulations.)

ORDER

12. On the Petition filed by the Liquidator under sub-section 7 of Section 59 of the Code for dissolution of this Corporate Person, we have noticed that the affairs of the Corporate Person have been completely wound up and its assets are liquidated. We are of the considered view that this Corporate Person, through its Liquidator, voluntarily liquidated itself so as to get dissolved, therefore, we hereby dissolve this Corporate Person directing the Liquidator to file this order with concerned Registrar of Companies and IBBI within 14 days thereof. (Compliance of Section 59 (7-9) of the Code).

13. Accordingly, this Company Petition is allowed.

Sd/-

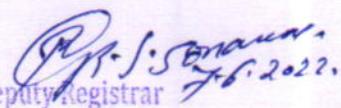
Anuradha Sanjay Bhatia
Member (Technical)



Sd/-

Suchitra Kanuparthi
Member (Judicial)

Certified True Copy
Copy Issued "free of cost"
On 7.6.2022.


Deputy Registrar
National Company Law Tribunal Mumbai Bench
Government of India