**IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH**

*[Through Physical hearing/ VC Mode (Hybrid)]*

**ITEM No.08**
**I.A. (Liq.) No. 07/2025 in**
**C.P. (IB) No.145/BB/2024**

**IN THE MATTER OF:**

M/s. Pani Trading Corporation ... Petitioner
Vs.
M/s. P & M Associates LLP ... Respondent

**Order under Section 9 of I & B Code, 2016**

**Order delivered on: 29.08.2025**

**CORAM:**

**SHRI SUNIL KUMAR AGGARWAL**
**HON'BLE MEMBER (JUDICIAL)**

**SHRI RADHAKRISHNA SREEPADA**
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Petitioner : Mr. S. Narendra Kumar

**ORDER**

**I.A. (Liq.) No.07/2025:**

1. Heard the Ld. Counsel appearing for the RP.
2. Liquidation of Corporate Debtor is ordered vide separate Order.

**C.P. (IB) No.145/BB/2024**

List the case on **06.11.2025.**

**-Sd-**
**RADHAKRISHNA SREEPADA**
**MEMBER (TECHNICAL)**

**-Sd-**
**SUNIL KUMAR AGGARWAL**
**MEMBER (JUDICIAL)**

राष्ट्रीय कम्पनी विधि अधिकरण
बैंगलूरु बेन्च
National Company Law Tribunal
Bengaluru Bench

**IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH**

*(Exercising powers of Adjudicating Authority under The Insolvency and Bankruptcy Code, 2016)*

**IA No. (Liq) 07/2025** in **C.P. (IB) No. 145/BB/2024**

*(U/s. 33(2) r/w section 60 (5) (c) of the Insolvency and Bankruptcy Code, 2016 R/w Rule 11 of the NCLT Rules, 2016.)*

**In the matter of IA No. (Liq) 7/2025:**

CA Pramod Srihari
*Interim Resolution Professional* of
**M/s. P & M Associates LLP** ….. Applicant

**In the decided matter of Section 9:**

**M/S. PANI TRADING CORPORATION** ...Petitioner/ Operational Creditor

*Versus*

**M/S. P & M ASSOCIATES LLP** … Respondent/ Corporate Debtor

**Order Delivered on: 29/08/2025**

**Coram:** 1. Hon'ble Shri Sunil Kumar Aggarwal, Member (Judicial)
2. Hon'ble Shri Radhakrishna Sreepada, Member (Technical),

**ORDER**

1. This Application filed on 24.06.2025 under sections 33 (2) and 60(5) of the Insolvency and Bankruptcy Code, 2016 read with rule 11 of the National Company Law Tribunal Rules, 2016 by Pramod Srihari, Interim Resolution Professional of the M/s. P & M Associates LLP ("Corporate Debtor") seeking following reliefs: -

   A. *the decision of Committee of Creditors to "liquidate" the Corporate Debtor i.e., M/s. P & M Associates LLP in terms of Section 33(2) of the IBC, 2016, be accepted,*
   B. *To appoint Mr. Pramod Srihari as "Liquidator" of the M/s. P&M Associates LLP & pass appropriate order in the interest of equity and justice.*

2. Brief facts of the application are given hereunder:

   a. The Company Petition bearing C.P (IB) No.145/BB/2024 filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 to initiate Corporate

Insolvency Resolution Process ('CIRP') against Corporate Debtor was admitted on 20.11.2024 and Mr Pramod Srihari was appointed as Interim Resolution Professional ("IRP") of the Corporate Debtor.

b. After receiving the Order of appointment, the IRP had issued a Public Announcement in the newspapers in Form-A as per Regulation 6 of the Insolvency Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016.

c. The IRP had received claims only from Operational Creditors and no claims were received from Financial Creditors. He had formed the Committee of Creditors on 13.12.2024, whereafter a new claim was received from the Department of GST, Pune and thus the CoC consists of the following members:

   1. Mann Enterprises
   2. ST Enterprise
   3. GST Department, Pune
   4. MK Enterprise (Related Party)
   5. Pani Trading Corporation (Related Party)
   6. Pani Logistics (Related Party)

d. An IA No. 58/2025 was filed for informing the constitution of CoC which was allowed on 17.02.2025. First CoC meeting was held on 17.12.2024 wherein the IRP was unanimously appointed as the Resolution Professional, IA No. 76/2025 was filed for the same and allowed on 17.02.2025.

e. In the Second Meeting of the CoC held on 04.01.2025, it was informed that the Corporate Debtor is not a going concern. Prior to commencement of CIRP there were no sales by corporate debtor since May 2021 and it no fixed assets. It was therefore, decided to liquidate the Corporate Debtor and resolution was passed in this behalf. Hence, this Petition.

3. We have carefully considered the submissions made in the application by the Resolution Professional and have also perused the material on record.

4. The relevant provisions of sub-sections (1) and (2) of Section 33 of the Code read as follows:

   ***"33. Initiation of liquidation.-***

   *(1) Where the Adjudicating Authority, —*

राष्ट्रीय कम्पनी विधि अधिकरण बेंगलुरु बेन्च National Company Law Tribunal Bengaluru Bench

*(a) before the expiry of the insolvency resolution process period or the maximum period permitted for completion of the corporate insolvency resolution process under section 12 or the fast track corporate insolvency resolution process under section 56, as the case may be, does not receive a resolution plan under sub-section (6) of section 30; or*
*(b) rejects the resolution plan under section 31 for the non-compliance of the requirements specified therein, it shall:*
*(i) pass an order requiring the corporate debtor to be liquidated in the manner as laid down in this Chapter;*
*(ii) issue a public announcement stating that the corporate debtor is in liquidation; and*
*(iii) require such order to be sent to the authority with which the corporate debtor is registered.*
*(2) Where the resolution professional, at any time during the corporate insolvency resolution process but before confirmation of resolution plan, intimates the Adjudicating Authority of the decision of the committee of creditors to liquidate the corporate debtor, the Adjudicating Authority shall pass a liquidation order as referred to in sub-clauses (i), (ii) and (iii) of clause (b) of sub-section (1)."*

5. Arguments heard. In view of the facts above narrated, this Application is one under sub-section (2) of Section 33 of the Insolvency and Bankruptcy Code, 2016. The CoC in its commercial wisdom decided on 04.01.2025 in its 2nd Meeting itself to liquidate the corporate debtor after considering that there are no fixed assets of CD which had closed its operations few years back and there were no chances of corporate re-structuring or revival of corporate debtor. Without wasting time, incurring avoidable expenses and prevent eroding the value of CD, CoC decided it to be liquidated. Simultaneously the CoC approved the appointment of CA Pramod Srihari as Liquidator of the Corporate Debtor. The Applicant has also given his written consent dated 04.01.2025 to act as the Liquidator of the Corporate Debtor. The request, in above background is discerned to be justified hence allowed. The **Corporate Debtor M/S. P & M ASSOCIATES LLP is directed to be liquidated** in the manner as laid down in Chapter III of the Code and recommendation of CoC for appointment of the existing RP, **CA Pramod Srihari** having Registration No. IBBI/IPA-001/IP-P-02286/2021-2022/13674, email id: **pramod@capad.in** as the Liquidator of the Corporate Debtor is approved.

6. In view of the facts and the relevant provision, following directions are issued:

i) That the Liquidator for conduct of the Liquidation proceedings would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016;

राष्ट्रीय कम्पनी विधि अधिकरण बेंगलूरु बेन्च Bengaluru Bench National Company Law Tribunal

ii) That as per Section 33 (5) of the Code and subject to Section 52 of the code, no suit or other legal proceedings shall be instituted against the corporate Debtor, except with the prior approval of the Adjudicating Authority;

iii) That the provisions of sub-section (5) of Section 33 of the Code shall not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator;

iv) That this order of liquidation under Section 33 of the Code shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the liquidation process by the Liquidator;

v) That all the powers of the Board of Directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested in the Liquidator;

vi) That the personnel of the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as may be required by him in managing the affairs of the Corporate Debtor and provision of Section 19 of the Code shall apply in relation to voluntary liquidation process as they apply in relation to liquidation process with the substitution of references to the liquidator for references to the Interim Resolution Professional;

vii) That the Liquidator shall publish public announcement in accordance with Regulation 12 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and in Form B of Schedule II of the said Regulations within five days from receipt of this order calling upon the stake holders to submit their claims as on liquidation commencement date and provide the last date for submission of claim which shall be 30 days from the liquidation commencement date. Individual notices be sent to relevant statutory authorities.

viii) That the Liquidator shall file his preliminary report within 75 days and to file regular progress reports as per Regulation 15 thereafter in accordance with

Regulation 13 of the Insolvency and Bankruptcy Board of India (Liquidation Process), Regulations, 2016.

7. Accordingly, **I.A. No. (Liq) 07/2025 is allowed and disposed of.**

8. Copy of this order be supplied to the counsel for the Liquidator as well as to the Registrar of Companies, Bengaluru forthwith. The Registry is also directed to send a copy of this order to the Liquidator at his e-mail address.

**-Sd-**
**(RADHAKRISHNA SREEPADA)**
**MEMBER (TECHNICAL)**

**-Sd-**
**(SUNIL KUMAR AGGARWAL)**
**MEMBER (JUDICIAL)**

राष्ट्रीय कम्पनी विधि अधिकरण
बेंगलुरु बेन्च
Bengaluru Bench
National Company Law Tribunal

CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL

4/9/2025

~~DEPUTY~~/ASST. REGISTRAR
NATIONAL COMPANY LAW TRIBUNAL
Bengaluru Bench