

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**DIVISION BENCH, COURT – 1, AHMEDABAD**

ITEM No.101  
C.P.(IB)/443(AHM)2025

**Proceedings under Section 9 IBC**

**IN THE MATTER OF:**

Unique Coal Corporation  
V/s  
Suruchi Processors Pvt. Ltd

.....Applicant

.....Respondent

**Order delivered on: 28/01/2026**

**C O R A M:**

MR. SHAMMI KHAN, HON'BLE MEMBER (J)  
MR. SANJEEV SHARMA, HON'BLE MEMBER (T)

**P R E S E N T:**

For the Applicant/OC : Mr. Anip Gandhi, Advocate

For the Respondent/CD : None

**O R D E R**  
**(Hybrid Mode)**

It is seen that another affidavit of service has been filed to rectify the defects in the previous service report affidavit. It was filed on 07.01.2026, vide Inward Diary No. D-169. It reflects that the Dasti notice was very much received by the Director of the Respondent Company, Mr. Lalit Jain, on 16.12.2025, against acknowledgment apart from the other mode of service through e-mode, which was served on 02.12.2025.

In view of the above, service upon the Respondent through e-mode as well as Dasti service is considered sufficient and complete.

However, despite due service, neither the Respondent/CD appeared on the last date of hearing, i.e., on 18.12.2025, nor today, nor has any reply been filed either before the previous date of hearing or thereafter till today.

The statutory period for filing the reply has already lapsed; therefore, the right of the Respondent to file a reply is hereby closed, and the matter proceeds **ex-parte**.

We have heard the Ld. Counsel for the Applicant/Operational Creditor and ex-parte Respondent /CD and perused the record.

**The order is reserved.**

RV

Sd/-

Sd/-

**At 2.30 PM**

During the morning session, after hearing Ld. Counsel for the Applicant Company, the case was reserved for order and fixed for the time for pronouncement of order today at 2.30 P.M.

It is 2.30 P.M., the matter is again taken up for pronouncement of order in the open court. The order is pronounced in the open court, vide separate sheet.

Sd/-

**SANJEEV SHARMA  
MEMBER (TECHNICAL)**

Sd/-

**SHAMMI KHAN  
MEMBER (JUDICIAL)**

**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH, COURT-I, AHMEDABAD BENCH**

**CP (IB) No. 443/AHM/2025**

*(An application under Section 9 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016)*

**In the Matter of: Suruchi Processors Pvt. Ltd**

**Unique Coal Corporation**

Registered office at:

Block No. 260, Plot No. AB,  
Near Baleshwar Khadi, N H No.8,  
Palsana, Surat- 394 310.

**...Applicant/Operational Creditor**

**VERSUS**

**Suruchi Processors Pvt. Ltd.**

CIN: U17112GJ2004PTC043484

Registered office at

Flat no 5/A, 5<sup>th</sup> Floor,  
Sunish Apartments,  
Nr. New Experimental School,  
Umra, Surat - 395007

**...Respondent/Corporate Debtor**

**Order Pronounced On: 28.01.2026 at 2.30 P.M.**

**C O R A M:**

**SH. SHAMMI KHAN, HON'BLE MEMBER (JUDICIAL)**

**SH. SANJEEV SHARMA, HON'BLE MEMBER (TECHNICAL)**

## **A P P E A R A N C E:**

For the Applicant/OC : Mr. Anip A. Gandhi, Advocate

For the Respondent/CD : **Ex-Parte**

## **O R D E R** **Per Bench**

1. This Company Petition is filed on 13.11.2025 through e-mode by the Applicant- **Unique Coal Corporation** (hereinafter referred to as 'Operational Creditor') against the Respondent- **Suruchi Processors Pvt. Ltd.** (hereinafter referred to as 'Corporate Debtor') under Section 9 of the IBC, 2016 read with Rule 6 of the IB (AAA) Rules, 2016 for initiation of CIRP, appointment of IRP and declaration of moratorium for default in payment of operational debt of **Rs.2,54,67,030/-** (Principal- 2,40,20,283/- & - Interest- 14,46,747/-) as on 04.05.2024 arising from supply of goods/services.
2. On Perusal of Part-I of Form-5 revealed that the Applicant- **Unique Coal Corporation** a Partnership Firm having its registered address at Block No. 260, Plot No. AB, Nr. Baleshwar Khadi, Palsana, Surat. This Petition is filed through its Partner Mr. Jayntibhai Chhaganbhai Detroja,

Partner vide Letter of Authorisation Dated 12.05.2025 which is annexed with the Petition at page 15

- 3.** On Perusal of Part-II of Form-5, revealed that the Respondent – **Suruchi Processors Pvt. Ltd.**, having Identification Number: U17112GJ2004PTC043484 is a Private Limited Company incorporated on 21.12.2004 under the Companies Act, 1956. The Respondent/CD is having registered office at Flat no 5/A, 5<sup>th</sup> Floor, Sunish Apartments, Nr. New Experimental School, Umra, Surat - 395007 with Authorized share capital is Rs.5,50,00,000/- and paid-up capital is Rs.4,95,23,100 as per the Master Data available on the website of the Ministry of Corporate Affairs which is annexed with the Petition as **Annexure-II (a)**.
- 4.** On Perusal of Part-III of Form-5, it is revealed that the Applicant/OC has proposed the name of **Mr. Kailash T. Shah** having IBBI Registration Number IBBI/IPA-001/IP-P00267 /2017-18/10511, having registered office at: 505, 21<sup>st</sup> Century Business Center, Near World Trade Center, Ring Road, Surat 395002 for the appointment of IRP under Section 13(1)(c) of the IBC, 2016.

5. On perusal of Part-IV and Part-V of Form-5 reveals that the Operational Creditor has placed the facts through this Company Petition in the following manner: -
- 5.1 The Operational Creditor supplied goods to the Corporate Debtor on credit basis under an open and mutual account. The transactions are supported by invoices annexed with the Company Petition.
- 5.2 The goods were supplied during the period from 11.08.2023 to 24.01.2024 and invoices were raised accordingly. As per the terms mentioned in the invoices, the credit period agreed between the parties was 90 days from the date of each invoice. Copies of invoices along with delivery challans are annexed.
- 5.3 The last invoice was issued on 24.01.2024 and the due date of the last invoice was 23.04.2024. The Corporate Debtor made the last payment of Rs.3,93,837 on 24.04.2024. The statement of account reflecting the transactions is annexed with the Company Petition.
- 5.4 The account statement of the Corporate Debtor shows that a principal amount of Rs. 2,40,20,283 remained outstanding towards unpaid invoices. Interest at the rate of 18% per annum has been claimed as per the invoices, amounting to Rs. 14,46,747 calculated till 04.05.2024. The computation of the operational debt is annexed.
- 5.5 The total operational debt claimed is Rs. 2,54,67,030 comprising principal and interest. The date of default is

stated as 25.04.2024. The details of default and computation are placed in tabular form as annexed with the Company Petition.

- 5.6 The Corporate Debtor issued several cheques towards discharge of liability, which were dishonoured. Thereafter, the Operational Creditor initiated proceedings under the Negotiable Instruments Act, 1881. The details of such proceedings are placed on record as annexures.
- 5.7 A demand notice under Section 8 of the Insolvency and Bankruptcy Code, 2016 was issued on 24.05.2024. In response, the Corporate Debtor, by email dated 12.06.2024, admitted the liability and sought time for payment. The said email communication is annexed with the Company Petition.
- 5.8 The Operational Creditor thereafter issued a fresh demand notice dated 26.05.2025 after withdrawal of the earlier notice and dismissal of the earlier petition with a liberty to file afresh.
- 5.9 Copies of the demand notice, proof of service, Form-5, Form-2, certificate from information utility, and supporting documents are annexed. No pre-existing dispute is recorded in Part-V of Form-5.
- 5.10 The Applicant/OC has also filed Form-D being record of debt and default issued by National E-Governance Services Limited ("**NeSL**") in which date of default is reordered as 25.04.2024 with status "**Deemed to be**

**Authenticated**". A copy of the same is annexed with the Petition as **Annexure-II(c)**.

6. The Operational Creditor has relied upon the following documents in support of the Company Petition, which are as under: -

- i. Authorisation Letter dated 00.00.2025
- ii. Demand Notice U/s 8 dated 26.05.2025 & proof of service.
- iii. Email communications exchanged between the Operational Creditor and the Corporate Debtor including email dated 12.06.2024 admitting liability
- iv. MCA Master Data of the Corporate Debtor
- v. Computation of Operational Deb
- vi. Certificate from IU showing no record of dispute
- vii. Statement of Account maintained by the OC
- viii. Copies of Invoices along with delivery challans raised against the CD
- ix. Copies of communications exchanged between the parties
- x. Reply email dated 12.06.2024 issued by the CD pursuant to demand notice
- xi. Certified copy of order dated 05.05.2025 passed in CP (IB) No. 177 of 2025 granting liberty to file fresh petition
- xii. Written communication from the proposed Interim Resolution Professional in Form-2
- xiii. Affidavit in support of the Company Petition
- xiv. Affidavit under Section 9(3)(b) of the Insolvency and Bankruptcy Code, 2016.

7. Pursuant to the order of notice dated 26.11.2025, the Applicant/OC filed an affidavit of service on 16.12.2025 vide Inward No. 8545. Furthermore, the Applicant/OC in compliance with order dated 18.12.2025, filed a fresh affidavit of service on 07.01.2026 vide Inward No. D-169. However, no reply was filed by the Respondent/CD. In light of the same, this Tribunal vide order dated 28.01.2026 i.e. today proceeded **ex-parte** against the Respondent/CD and reserved the Company Petition for Pronouncement of Order at **02:30 PM**.

8. We have heard the arguments of Counsel for the Applicant/OC and are of the following observation: -

8.1 This Tribunal has carefully considered the pleadings, documents placed on record, the affidavit of service, and the submissions advanced by learned counsel for the Applicant/Operational Creditor. The Respondent/Corporate Debtor, despite due service of notice and repeated opportunities, has failed to appear or file any reply, and the matter has accordingly proceeded **ex-parte**.

8.2 The Applicant/OC has filed the present petition under Section 9 of the Insolvency and Bankruptcy Code, 2016 seeking initiation of Corporate Insolvency Resolution

Process against the Corporate Debtor for default in payment of operational debt amounting to Rs. 2,54,67,030/-, comprising principal of Rs. 2,40,20,283/- and interest of Rs. 14,46,747/- as on 04.05.2024.

- 8.3 From the material placed on record, it is evident that the Applicant/OC and the Corporate Debtor were maintaining an open and running account, pursuant to which the Applicant/OC supplied goods to the Corporate Debtor from time to time during the period 11.08.2023 to 24.01.2024. The supplies were made under duly raised tax invoices carrying a credit period of 90 days, which fact stands corroborated by the invoices annexed with the petition.
- 8.4 The last invoice dated 24.01.2024 fell due on 23.04.2024, and the last payment of Rs. 3,93,837/- was admittedly received on 24.04.2024. Thereafter, no further payments were made by the Corporate Debtor, leaving an outstanding principal amount of Rs. 2,40,20,283/-. Interest at the agreed rate of 18% per annum accrued thereon, aggregating to Rs. 14,46,747/-, thereby constituting a total operational debt of Rs. 2,54,67,030/-.
- 8.5 The record further reveals that the Corporate Debtor had issued several cheques towards discharge of the said liability, which were dishonoured upon presentation. Consequently, the Applicant/OC was constrained to initiate proceedings under Section 138 of the Negotiable Instruments Act, 1881, which fact lends further credence to the existence of debt and default.

- 8.6 The Applicant/OC initially issued a statutory demand notice dated 24.05.2024, pursuant to which the Corporate Debtor, vide email dated 12.06.2024, admitted its liability and assured payment. However, despite such admission, the Corporate Debtor failed to liquidate the dues. Subsequently, an earlier insolvency petition filed on the basis of the said demand notice came to be dismissed by this Tribunal vide order dated 05.05.2025, with liberty granted to the Applicant/OC to issue a fresh demand notice and file a fresh petition in accordance with law.
- 8.7 In compliance with the liberty so granted, the Applicant/OC issued a fresh demand notice dated 26.05.2025 under Section 8 of the Code, through registered post, speed post and email, which was duly served upon the Corporate Debtor. Despite service of the said demand notice, the Corporate Debtor neither paid the outstanding amount nor raised any notice of dispute within the statutory period of ten days.
- 8.8 The Tribunal finds that no pre-existing dispute, as contemplated under Section 8(2)(a) of the Code or as interpreted by the Hon'ble Supreme Court, has been raised by the Corporate Debtor either prior to issuance of the demand notice or in response thereto. The mere silence of the Corporate Debtor, coupled with earlier admission of liability, clearly establishes that the debt is undisputed, due and payable.
- 8.9 The date of default, as disclosed in the petition and supported by documentary evidence, is 25.04.2024, which

is well within the period of limitation prescribed under Article 137 of the Limitation Act, 1963. The amount in default is far in excess of the minimum threshold prescribed under Section 4 of the Code.

8.10 The Applicant/OC has duly complied with all the statutory requirements for filing a petition under Section 9 of the Code. The petition is complete in all respects, accompanied by the requisite documents, affidavits, and proof of service. The affidavit under Section 9(3)(b) confirming the absence of dispute has been duly filed. The proposed Interim Resolution Professional has furnished his written consent in Form-2.

8.11 Despite service of notice and grant of sufficient opportunity, the Corporate Debtor has chosen not to contest the present proceedings. In the absence of any reply or material to the contrary, the averments made by the Applicant/OC remain undisputed.

8.12 In view of the above facts and circumstances, this Tribunal is satisfied that:

- an **operational debt** exists;
- the said debt is **due and payable**;
- **default** has occurred;
- there is no **pre-existing dispute**; and
- the petition has been filed in compliance with the provisions of the Insolvency and Bankruptcy Code, 2016 and the Rules framed thereunder.

9. Hence, in our view, the present Petition is complete in terms of Section 9 of the Code. The Operational Creditor is entitled

to claim its dues, establishing the operational debt and default in payment of the Operational Debt beyond doubt. The outstanding Operational Debt is of more than rupees one crore which meets the threshold limit as per section 4 of the Code and is well within the limitation for filing the present Petition.

**10.** Accordingly, the Petition filed under section 9 of the Insolvency and Bankruptcy Code for initiation of corporate insolvency resolution process against the Corporate Debtor deserves to be admitted.

**11.** The Operational Creditor in Part-III of the Form-5 has proposed the name of the Interim Resolution Professional (**'IRP'**) **Mr. Kailash T. Shah** having Registration Number: IBBI/IPA-001/IP-P00267/2017-2018/10511 (Email id: ipktshah@gmail.com), having registered office at: 505, 21<sup>st</sup> Century Business Center, Near World Trade Center, Ring Road, Surat 395002. He has filed his written communication annexed with the Petition as **Annexure III** as per the requirement of Rule 9(l) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016. His **AFA** is valid till **30.06.2027** (As per IBBI website).

There is a declaration made by him that there are no disciplinary proceedings pending against him with the Board or in Indian Institute of Insolvency Professionals of ICAI. In addition, further necessary disclosures have been made by him as per the requirement of the IBBI Regulations. Accordingly, he satisfies the requirement of the Section 9(4) of the code.

**12.** Accordingly, in light of the above facts and circumstances, it is, **hereby ordered** as under:-

- (i) The Respondent/Corporate Debtor **Suruchi Processors Pvt. Ltd.** is **admitted** in Corporate Insolvency Resolution Process under section 9(5) of the Code.
- (ii) As a consequence thereof, moratorium under Section 14 of Insolvency and Bankruptcy Code, 2016 is declared for prohibiting all of the following in terms of Section 14(1) of the Code.
  - a. *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;*

- b. *Transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein;*
  - c. *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 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;*
  - d. *The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.*
  - e. *The provisions of sub-Section (1) shall however, not apply to such transactions, agreements as may be notified by the Central Government in consultation with any financial sector regulator and to a surety in a contract of guarantee to a Corporate Debtor.*
- (iii) The order of moratorium under section 14 of the Code shall come to effect from the date of this order till the completion of the Corporate Insolvency Resolution Process or until this Adjudicating Authority approves the Resolution Plan under sub-section (1) of section 31 or passes an order for liquidation of the Corporate Debtor under Section 33 of the IBC 2016, as the case may be.

- (iv) However, in terms of Section 14(2) to 14(3) of the Code, the supply of essential goods or services to the Corporate Debtor as may be specified, if continuing, shall not be terminated or suspended, or interrupted during the moratorium period.
- (v) As proposed by the Operational Creditor, we appoint **Mr. Kailash T. Shah** having Registration Number: IBBI/IPA-001/IP-P00267/2017-2018/10511, having registered office at: 505, 21<sup>st</sup> Century Business Center, Near World Trade Center, Ring Road, Surat, 395002, (Email id: ipktshah@gmail.com), under section 13 (1)(c) of the Code to act as Interim Resolution Professional (**IRP**). He shall conduct the Corporate Insolvency Process as per the Insolvency and Bankruptcy Code, 2016 r.w. Regulations made thereunder.
- (vi) The IRP so appointed shall make a public announcement of the initiation of Corporate Insolvency Resolution Process and call for submissions of claims under section 15, as required by Section 13(1)(b) of the Code.
- (vii) The IRP shall perform all his functions as contemplated, *inter-alia*, by sections 17, 18, 20 and 21 of the Code. It is further made clear that all personnel connected with the Corporate Debtor, its promoters, or any other person associated with the management of the Corporate Debtor are under legal obligation as per section 19 of the Code to extend every assistance and cooperation to the IRP. Where any personnel of the

Corporate Debtor, its promoters, or any other person required to assist or co-operate with IRP, do not assist or cooperate, the IRP is at liberty to make appropriate application to this Adjudicating Authority with a prayer for passing an appropriate order.

- (viii) The IRP is expected to take full charge of the Corporate Debtor's assets, and documents without any delay whatsoever. He is also free to take police assistance in this regard, and this Court hereby directs the Police Authorities to render all assistance as may be required by the IRP in this regard.
- (ix) The IRP shall be under a duty to protect and preserve the value of the property of the 'Corporate Debtor company' and manage the operations of the Corporate Debtor company as a going concern as a part of obligation imposed by section 20 of the Code.
- (x) The IRP or the RP, as the case may be shall submit to this Adjudicating Authority periodical report with regard to the progress of the CIRP in respect of the Corporate Debtor.
- (xi) We direct the Operational Creditor to pay IRP a sum of **Rs. 2,00,000/- (Rupees Two Lakh Only)**
- (xii) in advance within a period of 7 days from the date of this order to meet the cost of CIRP arising out of issuing public notice and inviting claims etc. till the CoC decides about his fees/expenses.

(xiii) The Registry is directed to communicate this order to the Operational Creditor, Corporate Debtor, and to the Interim Resolution Professional, the concerned Registrar of Companies and the Insolvency and Bankruptcy Board of India after completion of necessary formalities, within seven working days and upload the same on the website immediately after pronouncement of the order. The Registrar of Companies shall update its website by updating the Master Data of the Corporate Debtor in MCA portal specific mention regarding admission of this Petition and shall forward the compliance report to the Registrar, NCLT.

(xiv) The commencement of the Corporate Insolvency Resolution Process shall be effective from the date of this order.

**13.** Accordingly, this Petition being **CP(IB)/443/AHM/2025** is admitted. A certified copy of this order may be issued, if applied for, upon compliance with all requisite formalities.

Sdt

**SANJEEV SHARMA**  
**MEMBER (TECHNICAL)**

Jeel /LRA

Sdt

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**DIVISION BENCH, COURT – 1, AHMEDABAD**

ITEM No.1 - IA/185(AHM)2026  
in  
C.P.(IB)/443(AHM)2025

**Proceedings under Section 9 IBC**

**IN THE MATTER OF:**

Unique Coal Corporation  
V/s  
Suruchi Processors Pvt. Ltd

.....Applicant

.....Respondent

**Order delivered on: 09/02/2026**

**C O R A M:**

MR. SHAMMI KHAN, HON'BLE MEMBER (J)  
MR. SANJEEV SHARMA, HON'BLE MEMBER (T)

**P R E S E N T:**

For the Applicant/IRP : Mr. Nipun Singhvi, Adv.  
For the Respondent (Org. OC) : Mr. Raju Kothari, Adv.

**ORDER**  
**(Hybrid Mode)**

**IA/185(AHM)2026**

1. This is an Interlocutory Application filed on 04.02.2026 by the Interim Resolution Professional under Rule 11 of the National Company Law Tribunal Rules, 2016, seeking substitution/change of the Interim Resolution Professional in view of the maximum assignment limit prescribed under the IBBI Circular dated 20.11.2025, with the following prayers:
  - a) *That this Hon'ble Adjudicating Authority may be pleased to allow the present application;*
  - b) *That this Hon'ble Adjudicating Authority may be pleased to relieve Mr. Kailash T. Shah, IBBI Registration No. IBBI/IPA-001/IP-P00267/2017-18/10511, from acting as Interim Resolution Professional of the Corporate Debtor;*
  - c) *That this Hon'ble Adjudicating Authority may be pleased to appoint Mr. Varun Anil Chopra, IBBI Registration No. IBBI/IPA-001/IP-P-02950/2025-2026/14525, as Interim Resolution Professional of the Corporate Debtor; and*
  - d) *To pass any other order(s) as this Hon'ble Adjudicating Authority may deem fit in the interest of justice.*
2. It is stated that the Corporate Debtor- **Suruchi Processors Pvt. Ltd.** was admitted to Corporate Insolvency Resolution Process (CIRP) U/s 9 of the IBC, 2016 by this Tribunal on 28.01.2026, and Mr. Kailash T. Shah was appointed as the Interim

Resolution Professional (IRP). It is further stated that the Applicant has reached the maximum permissible assignment limit of ten assignments as prescribed under the IBBI Circular dated 20.11.2025, and therefore expressed his inability to continue as Interim Resolution Professional.

3. It is submitted that the proposed Interim Resolution Professional, Mr. Varun Anil Chopra, has given his written consent in Form-2, and holds a valid Authorization for Assignment which was given to the Operational Creditor- **Unique Coal Corporation** and is annexed as **Annexure-E**.
4. We have heard the Learned Counsel for the Applicant as well as Ld. Counsel for the OC and perused the records placed on file. We find that the present application has been filed at the initial stage of the CIRP, before constitution of the Committee of Creditors, and the substitution is sought on account of regulatory compliance. We are satisfied that no prejudice shall be caused to any stakeholder by allowing the present application.
5. In view of the above, and in exercise of powers under Rule 11 of the NCLT Rules, 2016, this Adjudicating Authority allows the application.
6. Accordingly, **Mr. Varun Anil Chopra**, IBBI Registration No. IBBI/IPA-001/IP-P-02950/2025-2026/14525, E-mail ID: **ipvarunchopra@gmail.com** & **Mobile No. 99241-26140** is hereby appointed as the Interim Resolution Professional (IRP) of the Corporate Debtor- **Suruchi Processors Pvt. Ltd.** in place of Mr. Kailash T. Shah.
7. The outgoing Interim Resolution Professional is directed to hand over all records, documents, and charge of the Corporate Debtor to the newly appointed Interim Resolution Professional within three days from the date of this order.
8. Accordingly, **IA/185(AHM)2026** is allowed and disposed of.

*Sd/-*

**SANJEEV SHARMA**  
**MEMBER (TECHNICAL)**

*Sd/-*

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**