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NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH AT MANGALAGIRI
*** *** ***

CP (IB)/ 17/59/AMR/2023

Under Section 59(7) of the Insolvency and Bankruptcy Code, 2016 Read with IBBI (Voluntary Liquidation Process) Regulations, 2017

In the matter of
AAISWARYA TOWNSHIP DEVELOPERS PRIVATE LIMITED

BETWEEN:

Aaiswarya Township Developers Private Limited
CIN: U45200AP1995PTC021990
Registered Office at 26/60, Vasanthapet,
Proddatur, YSR Kadapa District, AP- 516361
Represented by its Liquidator
Mr.Gorantla Madhavaiah
(IBBI/IPA-003/IP-N00357/2021-2022/13762).

...Applicant

Date of pronouncement of Orders: 31.03.2023

***Coram*:**

Justice Telaprolu Rajani, Member Judicial.

Parties/Counsels present:

For the Applicant : Mr.M.Vijaya Kumar, PCS

ORDER
Per: Justice Telaprolu Rajani, Member Judicial

1. This Petition is filed by the Liquidator for M/s. Aaiswarya Township Developers Private Limited (Corporate Person) seeking for an order

Sd/-

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to dissolve the Corporate Person, as provided under section 59 (7) of the IBC, 2016.

2. The facts as per the Petition, briefly, are as follows:

a) The Corporate Person i.e., M/s. Aaiswarya Township Developers Private Limited, was incorporated under the provisions of Companies Act, 1956 on 12.10.1995 bearing CIN: **U45200AP1995PTC021990.** The Authorized Share Capital of the Company is Rs.3,00,00,000/- divided into 30,00,000 Equity shares of Rs.10/- each and the Issued, Subscribed and Paid up share capital of the Company is Rs.2,57,98,500/- divided into 25,79,850 Equity shares of Rs.10/- each, with an object to carry on the business of construction and rental of properties and allied activities.

b) The Corporate Person is not carrying any construction business from the last few years except rental earnings. The Board of Directors considered the matter and was of the opinion that due to non-availability of business prospect and long term financial resources, it was not financially viable to carry on the business activities of the Corporate Person. Hence it was considered viable to move for voluntary liquidation. Therefore, the Board of Directors for the Corporate Person in their meeting held on 07.12.2022 placed a voluntary liquidation proposal and passed requisite resolutions.

Sd/-

c) The majority directors of the Corporate Person namely Mr.Rami Setty Kadapa, Ms.Lathadevi Kadapa, Mr.Chandra Sekhar Kadapa & Ms.Sree Lakshmi Kadapa, have made declaration of Solvency verified by way of an Affidavit on 07.12.2022, as per Section 59(3) of Insolvency and Bankruptcy Code, 2016. The declaration affidavit along with audited financial statements and record of business operations of the Corporate Person for the previous two years were filed with the RoC, Andhra Pradesh in Form GNL-2.

d) As proposed by the Board, the members of the Corporate Person, in the Extraordinary General Meeting held on 10.12.2022, passed a special resolution to liquidate the Corporate Person voluntarily and appointed Mr.Gorantla Madhavaiah, [Registration No.IBBI/IPA-003/IP-N00357/2021-22/13762] to act as liquidator of the Corporate Person.

e) The Corporate Person had no creditors. Hence, as per Section 59(3)(c) of the IBC, 2016, NoC or approval from the creditors is not applicable.

f) The Liquidator made a public announcement on 12.12.2022, in Form-A of Schedule-I, in Business Standard (English) and Prajasakti (Telugu) newspapers, calling upon the Corporate Person's stakeholders to submit their claims, if any, with last date of submission of claims as 09.01.2023, which is 30 days from the liquidation commencement date. The public

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announcement was submitted to IBBI and the same was published on IBBI website on 12.12.2022.

g) The commencement of liquidation, appointment of liquidator and the public announcement made in newspapers were submitted to the RoC, Andhra Pradesh in Form MGT-14 and Form GNL-2. The Form MGT-14 and Form GNL-2 got approved by the RoC, Andhra Pradesh.

h) As required under regulations, the Liquidator opened a Bank Account with IDFC First Bank, Hi-Tech City Branch, Hyderabad for realisation and payment to the members.

i) In response to the publication, claims were received. After verification of the every claim, the liquidator prepared a list of Stakeholders, who are the only Equity Shareholders of the Corporate Person. As on 10.12.2022, cash and cash equivalents and other assets in its books of account of the Corporate Person was Rs.2,94,77,881/- and thereafter the Corporate Person has received an amount of Rs.4,27,153/- as interest income. After paying the liquidation cost of the Corporate Person, the remaining cash in bank and hand was distributed among the shareholders in term of Regulation 35 (1) of IBBI (Voluntary Liquidation Process) Regulations, 2017 and also got the claim satisfactions certificates from the stakeholders.

राष्ट्रीय कम्पनी विधि अधिकरण NATIONAL COMPANY LAW TRIBUNAL AMARAVATI BENCH अमरावति बेंच/AMARAVATI

Sd/-

j) As required under regulations, on 20.02.2023, the Liquidator submitted the preliminary report to the Corporate Person.

k) As per Section 178 of Income Tax Act, 1961 the liquidation of the Company was intimated to the Income Tax Department vide letter dated 16.12.2022.

l) As prescribed under regulation 38 of the Voluntary Liquidation Process Regulations, the Liquidator prepared the Final Report along with Compliance and Compliance Certificate (Form H) and sent the same to the ROC in Form GNL-2 and IBBI by way of mail and registered post. Hence, this petition.

3. Heard the PCS for the Applicant. Under Section 59 of the IBC, the requirements for voluntary liquidation are that; there should be a declaration from majority of Directors of the Company verified by an affidavit stating that they have made full enquiry into the affairs of the Company and they have formed an opinion that either the Company has no debt or that it will be able to pay its debts in full, from the proceeds of the assets to be sold in the voluntary liquidation and the Company is not liquidated to prefer any person and the said declaration shall be accompanied by an audited financial statements and record of business operations of the company for the previous two years or for the periods of its incorporation whichever is later and report of the valuation of assets of the Company, if any, prepared by a registered valuer; and within four weeks of the declaration under

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sub-clause (a) of Section 59(c) of IBC, a special resolution of the member of the Company in a General Meeting, requiring the company to be liquidated voluntarily and appointing an Insolvency Professional to act as Liquidator and a resolution of the members of the Company in a general meeting requiring the Company to be liquidated voluntarily as a result of the expiry of the period of its duration, if any, fixed by its articles or on the occurrence of any event in respect of which the articles provide that the company shall be dissolved, as the case may be and appointing an Insolvency Professional to act as a Liquidator, are required. Provided that if the Company owes any debt to any person, creditors representing 2/3rd in the value of the debt of the Company shall approve the resolution passed under (c) within seven days of such resolution. The Applicant is also required to notify the Registrar of Companies and Board about the resolution under (5) to liquidate the Company within seven days of such resolution or subsequent to the approval by the Creditors as the case may be. If the affairs of the Corporate Person have been completely wound up and its assets completely liquidated, the liquidator shall make an application to the Adjudicating Authority for dissolution of such Corporate Person.

4. The Ld. PCS for the Applicant drew the attention of this Tribunal to the declarations and the special dissolution as required under Section 59 and also about the information given to the Registrar of Companies (RoC) and the Board. The intimation given to the RoC is also filed. The final report submitted by the Liquidator is also placed

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before this Tribunal. The CIRP costs were also recorded and the closure of the bank account is also done. Hence, it can be seen that the requirements under Section 59 are complied with by the Applicant and hence, there need not be any demur to allow the Application and grant the reliefs as sought for.

5. In the Result, the Petition is allowed and Corporate Person shall stand dissolved from the date of this order. In exercise of the powers conferred on the Adjudicating Authority under Section 59 (7) of the Code, I hereby allow the Company Petition with the following directions:-

A. The Corporate Person, M/s. Aaiswarya Township Developers Private Limited is hereby dissolved, with immediate effect.

B. The Liquidator is directed to forward a copy of this order within a period of 14 days from the date of this order, to the Registrar of Companies (RoC), Andhra Pradesh for making appropriate remarks for the Corporate Person on MCA website and Insolvency & Bankruptcy Board of India.

C. The Liquidator is also directed to forward copies of this order to all the Statutory Authorities connected with the affairs of the Corporate Person.

D. The Liquidator is further directed to preserve a physical or electronic copy of reports, registers, books of accounts referred

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to in Regulation 8 and 10 for at least 8 years after the dissolution of the Corporate Person, either with himself or with the information utility.

Accordingly, this CP (IB)/17/59/AMR/2023 is allowed and disposed of.

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JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL

Swamy Naidu

प्रमणित प्रति/CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER CP(IB)/17/59/AMR/2023.
निर्णय का तारीख
DATE OF JUDGEMENT 31/03/23.
प्रति तैयार किया गया तारीख
COPY MADE READY ON 03/04/23.

03/04/2023
Deputy Registrar / ~~Assistant Registrar~~ /
~~Court Officer~~
NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH