

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT NO. 5, MUMBAI BENCH

M. A. 3951/2019

in

C.P. 2409/I&B/MB/2019

Under Section 22 & 33(2) of the
Insolvency & Bankruptcy Code, 2016

In the matter of

Valay Group

... Financial Creditor

vs.

Starconn Mobility Private Limited

... Corporate Debtor

M. A. No. 3951/2019

Mr. UdayShreeramSakrikar,

Resolution Professional

... Applicant

Order delivered on: 11.08.2020

Coram: Hon'ble Smt. SuchitraKanuparthi, Member (Judicial)

Hon'bleShri. V. Nallasenapathy, Member (Technical)

For the Applicant: AvinashKhanolkar, Adv.

Per: SuchitraKanuparthi, Member (Judicial)

ORDER

1. The Corporate Insolvency Resolution Process (CIRP) was initiated against the Corporate Debtor by an order dated 17.09.2019, on a Section 9 Petition filed by the Financial Creditor, wherein Mr. AshishVyas, was appointed as an Interim Resolution Professional(IRP).
2. The first meeting of Committee of Creditors (CoC) was held on



22.10.2019, wherein the following three resolutions were passed:

- a. To put the Corporate Debtor into liquidation,
- b. To appoint Mr. UdayShreeramSakrikar as Resolution Professional (RP) to replace the present IRP and
- c. To appoint Mr. UdayShreeramSakrikar as the liquidator for the Corporate Debtor were proposed.

3. The applicant submits that only one claim for Rs. 58,80,274/- was received from the Prachay Advisors Private Limited which is the sole member of the CoC and the only financial creditor who has filed the claim. No claim from any other financial creditor has been received.

4. By the way of a note on financial position of the Company based on the latest available audited balance sheet and enquiry of the IRP with the promoters, following information was revealed:

- a. The suspended directors informed the IRP that all the employees of the Company have left.
- b. During the visit to the erstwhile licensed (rented) premises of the Corporate Debtor, IRP could not find any assets.
- c. Mr. Aman Gupta and Mr. Shripal Gandhi (suspended directors) informed the IRP that due to non-payment of rent, entire assets of the Corporate Debtor has been removed by the landlord.
- d. IRP also informed that the Corporate Debtor is not a going concern.
- e. The total balance in the bank accounts of the Company stands out to be Rs. 42,408/-.

5. By order dated 07.11.2019, this Tribunal confirmed the appointment of the applicant as the RP for the Corporate Debtor.

6. Since the CoC did not foresee any chance of any sort of resolution



plan in the present scenario, the CoC decided to liquidate the company, hence, this application is filed for the liquidation of the Corporate Debtor under Section 33 of the Code. Hence, the approval of the CoC is sought, to liquidate the affairs of the Company under Section 33 of the Code, subject to the approval of this Tribunal.

7. Mr. UdayShreeramSakrikar, Resolution Professional/ Applicant herein has given his consent to act as a liquidator of the Corporate Debtor.

8. On hearing the submissions of the applicant and on reading the Application and the documents enclosed therein, for the IRP has complied with the procedure laid under the Code read with Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, on verification, we are of the view that this is a fit case to pass liquidation order under sub-section 2 of section 33 of the Code as the CoC decided to liquidate the Corporate Debtor and accordingly this Bench orders:

- a. that the Corporate Debtor be liquidated in the manner as laid down in the Chapter III of the Code by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the ROC under which this Company has been registered.
- b. that Mr. UdayShreeramSakrikar, Resolution Professional herein is hereby appointed as Liquidator as provided under Section 34(1) of the Code.
- c. that all the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter ceased to exist. All these powers henceforth vest with the Liquidator.
- d. that the personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.



- e. that the Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by the IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
- f. that on having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suit or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority.
- g. that this liquidation order shall be deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

9. Accordingly, this Misc. Application is hereby allowed directing the Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

Sd/-

V. Nallasenapathy
Member (Technical)

Sd/-

Suchitra Kanuparthi
Member (Judicial)

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National Company Law Tribunal Mumbai Bench~~

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National Company Law Tribunal Mumbai Bench

