

**IN THE NATIONAL COMPANY LAW TRIBUNAL
CUTTACK BENCH
CUTTACK**

CP (IB)No. 4686/MB/2018

-IN-

TP No. 198/CTB/2019

**CORAM: 1. Ms. Sucharitha R. Member (J)
2. Shri Satya Ranjan Prasad, Member (T)**

In the Matter of:

An application for initiation of Corporate Insolvency Resolution Process under Section 7 of the Insolvency and Bankruptcy Code, 2016 read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

-And-

In the Matter of:

Union Bank of India, Union Bank Bhawan, 239, Vidhan Bhawan Marg, Nariman point, Mumbai-400021.

Applicant/Financial Creditor

-Versus-

In the Matter of:

Tayal Foods Limited, Village Sirri, Kharora, Distt. Raipur- Chhattisgarh-499999.

Respondent/Corporate Debtor

Counsels appeared for the Petitioner

1. Umesh Chandra Sahoo

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Date of pronouncement of Order 3rd October, 2019.

ORDER

Per: Ms. Sucharitha R. Member (J)

1. The Application is filed by **Union bank of India** under Section 7 of Insolvency and Bankruptcy Code, 2016 for initiation of Corporate Insolvency Resolution Process against **M/s Tayal Food Limited**.
2. The Applicant Union Bank of India is a nationalised bank represented by its AGM Mr. Gajendra Singh Pal. A copy of authorised letter dated 01.12.2018 and power of attorney dated 19.08.1998 is annexed as **Annexure A-1**.
3. Notice was sent to the respondent, however, the same was returned with an endorsement “refused”. Notice, by way of publication was also taken out in English Newspaper “**Hitavada**” and also Vernacular Newspaper “**Patrik Citizen**”, since there is no representation, the respondent was called absent and set ex parte on 15.09.2019.
4. This application was originally filed before NCLT Mumbai numbered as CP IB 4686/MB/2018 after constitution of this Bench the same was transferred and re-numbered as TP No. 198/CTB/2019.
5. M/s Tayal Foods Limited is Company incorporated under Companies Act, 1956, **CIN No: U15313CT2008PLC02096**. The Corporate Debtor during

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the course of its business of manufacture and sale of food items, was setting up Rice Mill & Parboiling Unit for its business, approached the applicant for financial facilities. The Corporate Debtor availed various financial facilities like working capital, term loan, current account etc with the applicant since 2012. The Corporate Debtor also executed various loan documents in favour of the applicant in July 2014, April, 2015 and March, 2017. However, the Corporate Debtor was unable to repay loan hence, the loan accounts were declared as non-performing asset on 13.03.2018. The loans are secured by way of hypothecation of movables and mortgage of immovable properties.

6. The loan documents and acknowledgement of debt are filed along with the application. The loan account was declared as non-performing asset on 13.03.2018. Further, claim is also pending in O.A. No. 605/2018, in the file of DRT Jabalpur. Hence, the debt is well within the period of limitation.
7. The registered office of the Corporate Debtor is at Raipur, Chhattisgarh. Hence, this Adjudicating Authority has jurisdiction.
8. The applicant has suggested the name of the Interim Resolution Professional **Mr. Jagdish Kumar, B56, Wallfort City, Bhatagaon, Ring Road No. 1, Raipur, Chhattisgarh, 492001** and **E-mail ID: jkparulkar@aaainsolvency.com** and **Registered No. IBBI/IPA-001/IP-P00671/2017-2018/11143**. There is nothing on record to show that any disciplinary proceeding is pending against proposed IRP.

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9. The outstanding amount due and payable to applicant is sum of **Rs. 10,26,54000/- (Ten Crores Twenty-Six Thousand Fifty-Four Thousand Only)** as on 31.03.2018. The debt and default are proved beyond reasonable doubts. Hence, we are inclined to ADMIT this application.

ORDER

- i) The application filed by the Financial Creditor under Section 7 of the Insolvency & Bankruptcy Code, 2016 for initiating Corporate Insolvency Resolution Process against the Corporate Debtor, **Tayal Foods Limited** is hereby admitted.
- ii) We declare a moratorium and public announcement in accordance with Sections 13 and 15 of the Insolvency & Bankruptcy Code, 2016.
- iii) Moratorium is declared for the purpose referred to in Section 14 of the Insolvency & Bankruptcy Code, 2016. The Interim Resolution Professional shall cause a public announcement of the initiation of Corporate Insolvency Resolution Process and calls for the submission of claims under Section 15. The public announcement referred to in Clause (b) of sub-Section (1) of Section 15 of Insolvency & Bankruptcy Code, 2016 shall be made immediately.
- iv) Moratorium under Section 14 of the Insolvency & Bankruptcy Code, 2016 prohibits the following.

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- 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 Pane, or other Authority.
- b) Transferring, encumbering, alienating or disposing off 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 an action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 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.
- v) The supply of essential goods or services to the Corporate Debtor as may be specified shall not be terminated, suspended, or interrupted during moratorium period.
- vi) The provisions of sub-Section (1) shall not apply to such transactions may be notified by the Central Government in consultation with any Financial Sector Regulator.

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- vii) The order of moratorium shall have effect from the date of admission till the completion of the Corporate Insolvency Resolution Process.
- viii) Provided that where at any time during the Corporate Insolvency Resolution Process period, if the Adjudicating Authority approves the Resolution Plan under sub-Section (1) of Section 31 or passes an order for liquidation of Corporate Debtor under Section 33, the moratorium shall cease to have effect from the date of such approval or liquidation order, as the case may be.
- ix) Necessary public announcement as per Section 15 of the Insolvency & Bankruptcy Code, 2016 may be made.
- x) **Mr. Jagdish Kumar, B56, Wallfort City, Bhatagaon, Ring Road No. 1, Raipur, Chhattisgarh, 492001 and E-mail ID: jkparulkar@aaainsolvency.com and Registered No. No. IBBI/IPA-001/IP-P00671/2017-2018/11143** is appointed as a Interim Resolution Professional for ascertaining the particulars of creditors and convening a Committee of Creditors for evolving a Resolution Plan.
- xi) The Resolution Professional should convene a meeting of the Committee of Creditors and submit the Resolution plan passed by the Committee of Creditors and shall identify the prospective Resolution Applicant within **105**

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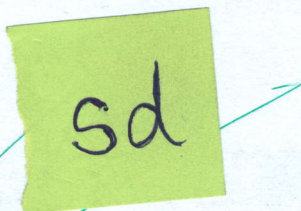
days from the insolvency commencement date. The Interim Resolution Professional is directed to produce **Form -2** and written communication within one week from the date of the receipt of the order.

- xii) Registry is hereby directed under Section (7) of the Insolvency & Bankruptcy Code, 2016 to communicate the order to the Financial Creditor, the Corporate Debtor and to the IRP by Speed Post as well as through e-mail.

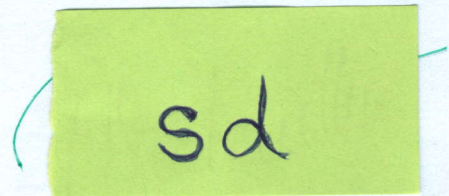
Interim Resolution Professional to file 1st Progress Report on 05/11/2019

List the matter on 05/11/2019

Certified copy of the order may be issued to all the concerned parties, if applied for upon compliance with all requisite formalities.



**Shri Satya Ranjan Prasad
Member (T)**



**Ms. Sucharitha R.
Member(J)**

Kaushal-Steno

Signed on this, the 3rd day of October, 2019.