

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 1

ITEM No 118
CP(IB) 601 of 2019

Order under Section 9 IBC

IN THE MATTER OF:

B-Solutions Management Consultants
V/s
WSH Pvt Ltd

.....Applicant

.....Respondent

Order delivered on ..14/12/2021

Coram:

Madan B. Gosavi, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the RP : Mr. Suhas Dinkar Bhattbhatt
For the Respondent : Ld. Adv. Mr. Shamik Bhatt (Physically)

ORDER

IA/556(AHM)2021 & IA/626(AHM)2021

IA/556(AHM)2021

This application is filed by the RP under Section 43, 45 & 66 of IBC, 2016. Respondent Nos. 1, 2 & 3 are served by Speed-post and affidavit dated 12.11.2021 is on record. No one appear for the Respondents Nos. 1, 2 & 3. Matter to proceed ex-parte against the Respondent Nos. 1, 2 & 3. Learned Counsel for the Respondent Nos. 4 & 5 appears. Reply is filed. Copy is given to the other side. Liquidator may file rejoinder within two weeks.

Matter stands adjourned to 15.02.2022.

IA/626(AHM)2021 is disposed of by separate order.



(AJAI DAS MEHROTRA)
MEMBER (TECHNICAL)

Sweta



(MADAN B GOSAVI)
MEMBER (JUDICIAL)

**BEFORE THE ADJUDICATING AUTHORITY
(NATIONAL COMPANY LAW TRIBUNAL)
AHMEDABAD BENCH
COURT-1**

I.A. No. 626 of 2021

IN

C.P. (I.B.) No.601/9/NCLT/AHM/2019

In the matter between:

M/s. B-Solutions Management Consultants

Krishna Park Soc. Near Surya Nagar

Behind Vaishali Cinema

Nadiad Gujarat – 387002

...Operational Creditor

Versus

M/s WSH Private Limited

701 Yash Aqua, 7th Floor,

Near Vijay Cross Road,

Navranpura, Ahmedabad,

Gujarat – 380013

...Corporate Debtor

AND

IN THE MATTER OF:

Suhas Dinkar Bhattbhatt

Resolution Professional of

M/s Wsh Private Limited

...Applicant

VERSUS

1. ATUL BABULAL PRAJAPATI

Suspended Director

101, Panshil Enclave, Nr. Parimal,

Underbridge Karnavati Pagarkha Bazar,

Ahmedabad, Gujarat – 380007

...Respondent No. 1



2. BISMILLAHKHAN AYUBKHAN PATHAN

Suspended Director

C-18, New Faishal Nagar,
Nr. Shahealam Masjid, Bombe Hotel,
Ahmedabad, Gujarat – 380028

...Respondent No. 2

Coram:

Madan B. Gosavi, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the RP : Mr. Suhas Dinkar Bhattbhatt (Online)
For the Respondent : Ld. Adv. Mr. Shamik Bhatt (Physically)

ORDER

(Pronounced in the open court on 14.12.2021)

1. This application is filed by the Liquidator for passing the order of liquidation. We heard the Liquidator in person. CIRP period of 330 days completed on 2nd August, 2021. RP and COC did not receive any plan. COC in its meeting dated 14th July, 2021 passed resolution recommending liquidation of the Corporate Debtor. Since, CIRP period is over and RP did not receive any Resolution Plan, this Authority is left with no option but to pass order of Liquidation. Accordingly, the Corporate Debtor stands liquidated by following order.

ORDER

- i) We hereby pass the order of liquidation of the Corporate Debtor M/s WSH Private Limited and consequently allow **IA No. 626 of 2021**. The liquidation of the Corporate Debtor is effective from the date of this order.
- ii) The Moratorium declared vide order dated **27.01.2021** on **CP(IB) No.601/9/NCLT/AHM/2019**, henceforth, ceases to exist.



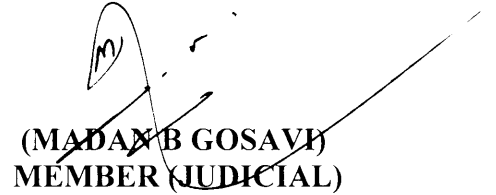
- iii) As per the Section 34(1) of the I.B. Code, the Applicant/ Resolution professional, **Mr. Suhas Dinkar Bhattbhatt, Registration No. IBBI/IPA-002/IP-N00571/2017-18/11738** is hereby appointed as a Liquidator of the company, M/s WSH Private Limited, who shall complete the liquidation process as per the provision of Insolvency and Bankruptcy Code, 2016 r.w Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016. He is further directed to endeavour to sell the Corporate Debtor as a going concern.
- iv) All the powers of the Board of Directors, key managerial person(s), the partners of the Corporate Debtor hereafter cease to exist. All these powers henceforth, vest with the Liquidator.
- v) 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, further, the Liquidator shall also provide all co-operation to various Government agency (s)/ authority(s) in ongoing investigations/ inquiry or inquiries initiated hereafter.
- vi) The Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
- vii) That once having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor save and except with the liberty to the liquidator to institute suit or other legal proceedings on behalf of the corporate debtor with prior approval of this Adjudicating Authority, as mentioned in Sub-Section 6 of Section 33 of the I.B. Code.
- viii) This liquidation order shall be a 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.
- ix) Registry is directed to upload this order on the official website within maximum two working days from the date of this order. The authenticated copy of this order also be sent by the registry to the Financial Creditor, Corporate Debtor, Registrar of the Company, Resolution Professional and Liquidator by Speed-post within one week from this order.



2. The RP gave his consent to Act as the Liquidator, hence, we appoint **Mr. Suhas Dinkar Bhattbhatt** as the Liquidator of the Corporate Debtor.
3. With the above directions, **IA/626(AHM)2021** stands allowed and disposed of.



**(AJAI DAS MEHROTRA)
MEMBER (TECHNICAL)**



**(MADAN B GOSAVI)
MEMBER (JUDICIAL)**

Sweta