

the Interim Resolution Professional of the Corporate Debtor by this Tribunal, thereafter vide order dated 18.09.2023, the Applicant was replaced as Resolution Professional.

- b. The Applicant states that in the Third Meeting of Committee of Creditors held on 27/10/2023 which was called upon to discuss and resolve the publication of Expression of Interest on Form G, the Committee of Creditors expressed their opinion that Corporate Debtor was not a going concern and that the Corporate Debtor has no assets except handful of machineries which also were in scrap condition and hence the Committee of Creditors suggested for direct liquidation of the Corporate Debtor without publication of Expression of Interest in Form G. The resolutions proposed for publication of Expression of Interest and Form G were therefore disapproved by the Committee of Creditors by majority decision.
- c. The Applicant states that the Fourth Meeting of Committee of Creditors was held on 07/12/2023, wherein the position of the Corporate Debtor was considered at length. The Corporate Debtor has been non-operational since last 5-6 years; no transactions have been carried out in the bank accounts of the Corporate Debtor for a similar period. The Corporate Debtor further does not have a registered office and no statutory returns have been filed by the Corporate Debtor for past several years. There also no updated books of accounts or records of the Corporate Debtor available. The only assets of the Corporate Debtor are in the form of machinery which too is scrap and is lying at third-party premises who is following up to vacate the same. Hence, in consideration of the status of the Corporate Debtor, the Committee of Creditors expressed that considering the non-operational status of the Corporate Debtor the Committee of Creditors does not foresee any prospective resolution applicant coming forward with a viable resolution plan and hence the Committee of Creditors resolved with 100% voting to liquidate the Corporate Debtor.

"RESOLVED THAT pursuant to Section 33, sub section (2) of Insolvency and Bankruptcy Code, 2016 and other applicable provisions, if any, of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, the Committee of Creditors hereby decides that Danesita Phadnis Food Industries Limited, ("Corporate Debtor) under Corporate Insolvency Resolution Process be liquidated.

4. After hearing the submissions made by the Counsel appearing for the Applicant and upon perusing the material available on record, this bench is of the opinion that the Corporate Debtor is required to be liquidated in the manner as laid down in the IBC 2016.
5. We have heard the counsel and perused the material available on record. We feel that no resolution seems feasible in this case, accordingly, this is fit case for Liquidation of the Corporate Debtor in terms of Section 33 of the Code.

ORDER

6. The I.A. No. 7/2024 is allowed and the Corporate Debtor Danesita Phadnis Food Industries Limited is ordered to be liquidated as a going concern in the first attempt and if it fails, then sale by all other methods, as prescribed under the Code, shall be taken.
 - a. Mr. Vishal Ghisulal Jain, having Registration No. IBBI/IPA- 001/IP-P00419/2017-2018/10742, email gautam@klfindia.com, Mobile - 9820074563 is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.
 - b. That the Liquidator for conduct of the liquidation proceedings would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016.

- c. 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.
- d. All powers of the board of directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the liquidator.
- e. That the Corporate Debtor to be liquidated in the manner as laid down in the Chapter 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.
- f. 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.
- g. 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.
- h. This liquidation order u/s 33(7) shall be deemed to be a 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.

With the above directions, the I.A. No.7/2024 filed u/s 33 (2) by the applicant is hereby **allowed** and disposed of.

Sd/-

PRABHAT KUMAR
MEMBER (TECHNICAL)

/NP/

Sd/-

JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)