

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1



ITEM No.301
IA/959(AHM)2023
In CP(IB) 131 of 2019

Order under Section 54(1) IBC

IN THE MATTER OF:

Vikas Prakash Gupta Liquidator of
M/s. Utility Agrotech Industries Pvt Ltd

.....Applicant

.....Respondent

Order delivered on: 08/01/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of order. The order is pronounced in open Court, vide separate sheet.

-Sd-

SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-

SHAMMI KHAN
MEMBER (JUDICIAL)



**BEFORE THE ADJUDICATING AUTHORITY
THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH – I,
AHMEDABAD**

**I.A. No.959/NCLT/AHM/2023
In CP (IB) No.131/AHM/2019**

[An application filed under section 54(1) of the Insolvency and Bankruptcy Code, 2016 read with regulation 45 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and rule 11 of NCLT Rules, 2016 for dissolution of the Corporate Person]

In the matter of **M/s. Utility Agrotech Industries Pvt. Ltd.**

M/s. Utility Agrotech Industries Pvt. Ltd.

(Under Voluntary Liquidation)
Having its registered office at:
Shop No.120, Lower Ground Floor,
Kohinoor Textile Market,
Ring Road, Surat-395002.

Through its Liquidator, **Mr. Vikas Prakash Gupta**

... Liquidator / Applicant

Order Pronounced on 08.01.2024

CORAM:

**SHAMMI KHAN, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)**

Appearance:

For Applicant: Mr. Ketan M. Parikh, Ld. Advocate and
Mr. Kuldeep K. Adesara, Ld. Advocates



O R D E R
[Per: Bench]

1. This is a Company Petition filed by **M/s. Utility Agrotech Industries Private Limited** bearing CIN: **U01119GJ1994PTC023942** through its Liquidator **Mr. Vikas Prakash Gupta**, in relation to the voluntary liquidation of, under Section 54(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as “IBC, 2016”), seeking dissolution of the Company.
2. The Applicant has prayed from this Tribunal following reliefs:
 - (i) *The Hon’ble Adjudicating Authority may be pleased to allow the present Interlocutory Application.*
 - (ii) *This Hon’ble Adjudicating Authority may be pleased to pass an order u/s. 54(2) of the I.B. Code, 2016 for the dissolution of the Corporate Debtor- M/s. Utility Agrotech Industries Private Limited having CIN: U01119GJ1994PTC023942 and having its registered office at Shop No.120, Lower Ground Floor, Kohinoor Textile Market, Ring Road, Surat-395002.*
 - (iii) *This Hon’ble Adjudicating Authority may be pleased to grant any other relief as may deem fit in the interest of justice which may be just and proper for the Applicant.*
3. The corporate debtor, M/s. Utility Agrotech Industries Pvt. Limited was admitted into CIRP on 16.03.2021 and




was later on ordered for liquidation vide this Bench's order dated 08.10.2021. The Applicant herein was appointed as IRP and later on as a liquidator on 08.10.2023.

4. It is submitted that the present application is within the jurisdiction of this Tribunal, as the registered office of the Corporate Debtor – M/s. Utility Agrotech Industries Private Limited is situated in the state of Gujarat and the order of the Corporate Insolvency Resolution Process was passed by this Bench.
5. It is stated that this Bench, vide its order dated 08.10.2021 in Interlocutory Application No.562 of 2021 in CP(IB) No. 131 of 2019 initiated the liquidation process of the Corporate Debtor – M/s. Utility Agrotech Industries Private Limited. A copy of the aforesaid order is annexed as Annexure-A to the present application.
6. As per Form-H the Applicant constituted the consultation committee on 07.12.2021. It is submitted that the Applicant/Liquidator held the first Stakeholder's Consultation Committee Meeting on 04.01.2022. A copy of Minutes of the First Stakeholders Consultation Committee Meeting is annexed as Annexure-B to the present application.
7. It is stated that the Applicant/Liquidator held thereafter held 13 meetings of the Stakeholder's Consultation



Committee Meeting (referred dates on page no.52 of the Diary no. E-1519). The 13th meeting was held on 16.05.2023. As submitted in the meeting, it was resolved to file an application under Section 54 of the Insolvency and Bankruptcy Code, 2016 to dissolve the Corporate Debtor Company. The applicant has annexed a copy of the minutes of meeting as Annexure-C to the present application.

8. It is further submitted that there were three parcels of lands to be sold, divided in Block-1, Block-2 and Block-3. The immovable property of Block-1 comprised lands in Survey Nos. 330_B, 334/A and 334/B, Moje Sisodra, Sub Dist: Ankleshwar, District: Bharuch, Gujarat.
9. The Applicant prepared and submitted asset memorandum as per regulation 34 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, and progress report from quarter ended 08.10.2021 to 31.12.2021 as per regulation 15 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 before the Adjudicating Authority as Annexure-F.
10. As submitted in Form-H, the Applicant/Liquidator appointed the registered valuers on 14.10.2021.
11. It is stated that the immovable property of Block No.2 comprised lands in survey nos. 371, 372, 373/A, 373/B, 374(A+B)/1 and 374(A+B)/2 at Moje: Sisodara, Sub



Dist: Ankleshwar, District: Bharuch, Gujarat.

12. It is stated that the immovable property of Block No.3 comprised lands in survey nos. 375, 377, 379, 391/1, 391/2, 394/A, 401, 402 at Moje: Sisodara, Sub Dist: Ankleshwar, District: Bharuch, Gujarat. The total land admeasuring 97,645 square meters.
13. It is stated in the application that all the mentioned blocks of land were sold by the Applicant/Liquidator and sale certificates were issued against the same. A copy of Sale Certificates issued for the immovable property of Blocks -1, 2 and 3 are annexed with the present application as Annexures-D, Annexure-E and Annexure-F respectively.
14. The Applicant submitted the Final Report dated 15.07.2023 as per regulation 45 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
15. It is stated that the sale proceeds received from the sale of such immovable properties of Blocks-1, 2 and 3 as per Section-53 of the I.B. Code, 2016 are as under: The details of realization as submitted by the applicant is as under:

18. REALISATION:

Sl. No.	Assets	Mode of Sale	Estimated Liquidation Value	Realisation Amount (Rs.)	Date of Transfer to Liquidation Account
(1)	(2)	(3)	(4)	(5)	(6)
Block 1	Survey No. 330-B, 334/A, 334/B (Land admeasuring 71,201 sq.mts.)	Through e-auctioning		Rs. 3,32,73,698 (Sale Proceed Inclusive of interest accrued)	04-01-2023*

	Moje: Sisodra, Sub Dist: Ankleshwar, Dist: Bharuch, Gujarat			on account of delayed payment)	
Block 2	Survey No. 371, 372, 373/A, 373/B, 374(A+B)/1, 374(A+B)/2 (Land admeasuring 61,658 sq.mts.) Moje: Sisodra, Sub Dist: Ankleshwar, Dist: Bharuch, Gujarat	Through e-auctioning	Rs. 14,45,27,600	Rs. 2,96,97,835 (Sale Proceed Inclusive of interest accrued on account of delayed payment)	04-01-2023*
Block 3	Survey No. 375, 377, 379, 391/1, 391/2, 394/A, 401, 402 and 392/2 (Land admeasuring 1,05,654 sq.mts.) Moje: Sisodra, Sub Dist: Ankleshwar, Dist: Bharuch, Gujarat	Through e-auctioning		Rs. 4,57,43,800	29-03-2023

Note: *The winning bidders of Block 1 and Block 2 had remitted the entire sale proceeds along with interest in multiple tranches in the Liquidation Bank Account of the Corporate Debtor. Amount of the last tranche was deposited on 04-01-2023.
The realisable value is lower than the value mentioned in the Asset memorandum because of the limited usage of the land parcel, primarily for fisheries and bottlenecks with respect to location of the land, it was difficult to locate buyers. Several rounds of e-auctions were conducted in order to sell the assets of the Corporate Debtor, resulting in reduction in the of auction price after successive e-auction.

16. It is submitted that the major debtor of the Corporate Debtor is M/s. Supreme (India) Impex Ltd, who is a related party and is undergoing liquidation process under the I.B. Code, 2016. Hence, no amount could be recovered from the debtors during the liquidation process of the Corporate Debtor. An amount of Rs.100 was realized from the Bank A/c of the Corporate Debtor.

17. As submitted, the Corporate Debtor herein was the corporate guarantor of M/s. Supreme India (Impex) Limited. The CIRP was initiated due to default of principal borrower, i.e., M/s. Supreme (India) Impex



Limited. It is submitted that a copy of final report dated 15.07.2023 is attached to the present application as Annexure-G. Form-H is also annexed as Annexure-H.

18. As submitted, the Applicant/Liquidator filed an extension application under regulation 44(2) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 for granting extension of liquidation period of the Corporate Debtor which was heard on 01.08.2023 and one month of time was granted for filing dissolution application. A copy of order is annexed to the present application as Annexure-I.
19. A perusal of Form H reveals that the Applicant/Liquidator opened a liquidation account with **HDFC Bank** in the name of “Utility Agrotech Industries Pvt. Ltd. (In Liquidation)” on 24.11.2023, bearing Account No: 50200033763170.
20. It is submitted that all the sale proceeds received are distributed by the Applicant/Liquidator of the Corporate Debtor and hence filed the present application. The copy of receipt and payment is annexed as Annexure-J to the present application.
21. It is submitted in Form-H that the sale proceeds were received in multiple tranches as mentioned on dates 04.01.2023 and 29.03.2023. The distribution was made on 28.12.2022, 31.03.2023 and 18.05.2023.



22. The applicant/Liquidator has annexed a Bank Statement showing NIL balance as enclosed in Annexure-J to the present application.
23. The applicant declared that there were no pending litigations before any court or tribunal relating to the Corporate Debtor during the Liquidation Process and declared to proceed for the dissolution of the Corporate Debtor under Regulation 45(3)(b) of the IBBI (Liquidation Process) Regulations, 2016.
24. The applicant has submitted synopsis and realization of the proceeds after liquidation in this Bench on 05.10.2023 vide Diary No. D-3701 as per following details:

S No. (1)	Compliance (2)	Reference & Page No. (4)
1.	(Regulation 12) <i>Public Announcement in Form B within five days of the appointment of the Liquidator.</i>	Annexure A Page No. 6-14
2.	(Regulation 35(2)) <i>Appointment of Registered Valuers in matters where no valuation conducted during the CIRP.</i>	Annexure B Page No. 15-30
3.	(Regulation 31(2)) <i>Filing the List of Stakeholders within forty-five days of LCD.</i>	Annexure C Page No. 31-33
4.	(Regulation 31A) <i>Constitution of SCC within sixty days from LCD.</i>	Annexure D Page No. 34-35
5.	(Regulation 13) <i>Filing 'Preliminary Report' before the Adjudicating Authority within seventy-five days from the LCD.</i>	Annexure E Page No. 36-44
6.	(Regulation 34) <i>Preparation of Asset Memorandum within seventy-five days from LCD.</i>	Annexure F Page No. 45-47
7.	(Regulation 41) <i>Opening of Bank Account in the name of the Company followed by</i>	Annexure G Page No. 48



	<i>the words 'in liquidation' in a Scheduled Bank.</i>	
8.	<i>Proof of Closure of the above Bank Account and any other account in the name of the Company.</i>	Annexure G Page No. 48
9.	(Regulation 15) <i>Quarterly Progress Reports and proof of filing the same before the Adjudicating Authority.</i>	Annexure H Page No. 49-155
10.	(Regulation 36) <i>Asset Sale Report after sale of Assets.</i>	Annexure I Page No. 156-158
11.	(Regulation 42(2)) <i>Proof of distribution within ninety days from the receipt of realization.</i>	Annexure J Page No. 159-162
12.	(Regulation 45(3)) <i>'Final Report' along with Compliance Certificate in Form H to be filed along the Application.</i>	Annexure K Page No. 163-180
13.	(Regulation 5(1)(e)) <i>(Compilation of the Minutes of SCC).</i>	Annexure L Page No. 181-273
14.	(Regulation 15) <i>Audited accounts of receipts and payments. (Page No. of the Auditor Certificate in the Application Typeset)</i>	Annexure M Page No. 274
15.	(Regulation 37) <i>Completion of liquidation process within one year from LCD or extension if any, date of the order & period.</i>	Annexure N Page No. 275
16.	<i>To furnish of details of any application pending before the Adjudicating Authority if any.</i>	
17.	<i>Whether any application pending before this Tribunal in relation to the Corporate Debtor, if any. (Details to be furnished)</i>	

25. The details of distribution as submitted by the applicant is as under:

S. No	Stakeholder's U/s. Section 53	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed (%)
(1)	(2)	(3)	(4)	(5)	(6)
1	(a): CIRP Costs	-	-	3,13,442	100%
2	(a): Liquidation Costs	-	-	35,19,115	100%
3	(b)(i) Workmen dues	-	-	-	-
4	(b): (ii) Secured Creditors	3,75,78,30,482	3,70,77,72,017	10,48,82,876	2.79%
5	(c):	-	-	-	-



	Employees dues				
6	(d): Unsecured creditors	-	-	-	-
7	(e)(i): Government dues	-	-	-	-
8	(e)(ii): Secured Creditors debts after enforcement of security interest	-	-	-	-
9	(f): Any remaining debt	4,45,80,000	1,45,80,000	-	0%
10	(g): Preference Shareholders	-	-	-	-
11	(h): Equity Shareholders	-	-	-	-
Total		7,77,24,10,482	3,72,23,52,017	10,87,15,433	

26. We heard the Learned Counsel for the Applicant and perused the material available on record. The Liquidator has filed the Final Report and Form-H in compliance with Regulation 45 of the Liquidation Regulations which contains the details of the Liquidation Process. As stated, the liquidation estate consisted of certain plots of lands and the same are sold and the proceeds was distributed. By thus, no asset was left with for any further disposal. Since the assets of the Corporate Debtor are completely liquidated, there remains nothing. Hence, the Corporate Debtor is required to be dissolved under Section 54(2) of IB Code, 2016.

27. Accordingly, in exercise of the powers conferred under



Section 54(1) of IBC, 2016. Hence, we pass the following order:

- i). This Adjudicating Authority in exercise of powers conferred to it under Section 54(2) of the IBC, 2016 orders that the Corporate Person (Applicant Company) **M/s. Utility Agrotech Industries Private Limited** having **CIN: U01119GJ1994PTC023942** shall stand dissolved from the date of this order.
- ii). The Registry of this Bench and the Liquidator are directed to serve a copy of this order upon the Registrar of Companies, Gujarat, Income Tax Department and also to IBBI, within 14 days from the date of this Order for information and necessary action.
- iii). The Liquidator shall preserve a physical or an electronic copy of the reports, registers and books of account referred to in Regulations 8 and 10 of IBBI Regulations for at least eight years after the dissolution of the Corporate Person, either with himself or with an information utility.
- (iv). Consequently, the Liquidator Mr. Vikas Prakash Gupta is discharged from his duties and responsibilities as the Liquidator of the Corporate Debtor.



27. Accordingly, with the above directions, the present application i.e., **I.A. No.959 of 2023 in CP(IB) No.131/7/NCLT/AHM/2019** stands allowed and stands disposed of.

-Sd-

**SAMEER KAKAR
MEMBER (TECHNICAL)**

-Sd-

**SHAMMI KHAN
MEMBER (JUDICIAL)**