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**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

IA/1560/2022 IN CP(IB)/107(CHE)/2021

(filed under Section 33 1 (a), 33(2) & 34(1) of the Insolvency & Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016)

In the matter of M/s. Tirupur Plaza Hotel Pvt. Ltd.

Mr. A.R. Ramasubramania Raja,
(RP of M/s Tirupur Plaza Hotel Pvt. Ltd)
No. 3, Sundaram Brothers Layout,
Opposite to All India Radio,
Trichy Road, Ramanathapuram,
Coimbatore-641 045.

... Applicant

Order Pronounced on 15th February 2023

CORAM:

**JUSTICE RAMALINGAM SUDHAKAR, Hon'ble PRESIDENT
SAMEER KAKAR, MEMBER (TECHNICAL)**

For Applicant : Mr. A.G.Sathyanarayana, Advocate

ORDER

Per: SAMEER KAKAR, MEMBER (TECHNICAL)

This Application has been filed by the Applicant seeking the following reliefs:-

- a) *That this Hon'ble Tribunal may be pleased to pass an order for Liquidation of the Corporate Debtor namely M/s. Tirupur Plaza Hotel Private Limited;*
- b) *That this Hon'ble Tribunal may be pleased to pass an order appointing A.R. Ramasubramania Raja, Insolvency Professional (IBBI Reg.No: IBBI/IPA-002/IP-N00635/2018-*



2019/11982) as Liquidator for administering the Liquidation Process of the Corporate Debtor; and

c) To pass such further or other orders as may deem to be fit and proper in the interest of justice.

2. On an Application filed under Section 7 by Small Industries Development Bank of India (SIDBI) in CP(IB)/107/2021. CIRP was commenced vide order of this Tribunal on 25.04.2022. The Applicant herein was appointed as the IRP.
3. The Applicant submits that Form-A was published on 28.04.2022 and pursuant to the receipt of claim, CoC was constituted of only one Financial Creditor i.e., SIDBI.
4. In the first CoC meeting held on 25.05.2022, the Applicant was appointed as the RP of the Corporate Debtor by the CoC.
5. Form-G was published on 08.07.2022 which reveals no response.
6. The second Form-G was issued on 17.08.2022. However, no resolution plan was received.
7. It is submitted that this Tribunal vide order dated 03.11.2022 extended the CIRP period of the Corporate Debtor upto 20.01.2023.
8. Over all, seven CoC meetings have been held in the matter. In the seventh CoC meeting held on 09.12.2022, the CoC

decided to recommend for liquidation of the company due to Covid and prevailing market condition. While resolving the CoC observed that the company is not in operation about three years, there are accumulated losses, no intangible assets like approved value, intellectual property and the only asset of the company is the land and building and accordingly the resolution was passed with 100% majority.

9. The CoC further recommended that **Mr. A.R.Ramasubramania Raja, Reg.No.IBBI/IPA-002/IP-N00635/2018-2019/11982** be appointed as the Liquidator of the Corporate Debtor.
10. It is seen from the application that the written consent of the Liquidator in Form-AA is attached at page No. 100 of the application typeset. It is further seen that AFA is valid till **11.11.2023**.
11. Taking into consideration that no resolution plan was received and that the CoC with 100% majority as approved for the liquidation of the Corporate Debtor, we are forced to order for liquidation of the Corporate Debtor.
12. It is further seen from the application that **Form-H** is attached at page Nos.102-108 of the application typeset.
13. Heard the Learned Counsel for the Applicant.

14. It is seen that the CIRP period has ended without approval of any Resolution Plan with respect to the Corporate Debtor.

Section 33(1) of the Code is reproduced below: -

"33. Initiation of liquidation. - (1) Where the Adjudicating Authority, - (a) before the expiry of the insolvency resolution process period or the maximum period permitted for completion of the corporate insolvency resolution process under section 12 or the fast track corporate insolvency resolution process under section 56, as the case may be, does not receive a resolution plan under sub-section (6) of section 30;."

15. In view of the facts and circumstances of the case, we are forced to order liquidation of the Corporate Debtor. The Corporate Debtor is ordered for liquidation, **Mr. A.R.Ramasubramania Raja, Reg.No.IBBI /IPA-002 / IP-N00635 /2018-2019/11982, (email Id:arsraja@yahoo.com)** the Applicant herein is hereby appointed as the Liquidator of the Corporate Debtor to carry out the liquidation process subject to the following terms of the directions:-

- a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended upto date enjoined upon her.
- b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.

- c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file suitable application before this Adjudicating Authority.
- d) The Registry is directed to communicate this order to the Registrar of Companies, Chennai and to the Insolvency and Bankruptcy Board of India;
- e) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.
- f) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and that a fresh Moratorium under section 33(5) of the Insolvency and Bankruptcy Code shall commence.
- g) The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.
- h) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section – 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.
- i) The Liquidator shall submit a Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further report as are required to be filed under the relevant Regulations, in

addition, shall also be duly filed by him with this Adjudicating Authority.

- j) Copy of this order be sent to the financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary co-operation in relation to the Liquidation process of the Corporate Debtor.

16. With the above directions, this **IA/1560/2022** stands **allowed.**

- Sd -

SAMEER KAKAR
MEMBER (TECHNICAL)

- Sd -

JUSTICE RAMALINGAM SUDHAKAR
PRESIDENT