

Through Videoconference

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT - I, MUMBAI BENCH

I.A. No. 2048 of 2020
in
C.P. (IB) No. 3505/MB/2018

1. Ajay Babulal Shah
96/8, Shatrunjay, 2nd Lane,
Mahaveer Nagar, Sangli – 416 410.
2. Sharad Mahadev Jagdale
PO Yedemachchhindra Taluka Walwa
Dist. Sangli.
3. Krishna Baliram Thombare
Shivaji Nagar, Kora 4 Shirala,
Sangli – 415 405.
4. Prasad Kumar Dugge
PO Narsobawadi, Taluka – Shirol,
Dist. Kolhapur – 416 103.
5. Prakash Sopan Shelke
Panchsheel, Veenkar Society,
Padmavati, Pune 9.

... Applicants

In the matter of:

Suraksha Asset Reconstruction
Limited

... Financial Creditor

Versus

Siddharth Milk Food (India) Private
Limited

...Corporate Debtor

Date of Order: 18.12.2020

CORAM:

Hon'ble Janab Mohammed Ajmal, Member (Judicial)

Hon'ble Shri V. Nallasenapathy, Member (Technical)

Appearance:

For the Applicants : Mr Rohit Gupta, Counsel with Mr Vinod
Kothari, Ms Priyanka Shah, Ms Reshmi Nair,
Advocates i/b Apex Law Partners

For the COC : Mr Aditya Udeshi, Counsel with Mr
Darshan Ashar, Advocate i/b Bathiya Udeshi
Advocate

ORDER

Per: Shri V. Nallasenapathy, Member (Technical)

1. The Company Petition bearing No. 3505 of 2018 filed against the Corporate Debtor under Section 7 of the Insolvency and Bankruptcy Code, 2016 (the Code) seeking initiation of

Corporate Insolvency Resolution Process (CIRP) was admitted by this Tribunal on 26.04.2019.

2. The Applicants herein are the Successful Resolution Applicants in the CIRP. Their Resolution Plan as approved by the Committee of Creditors (CoC) with 80.35% of voting share was approved by this Tribunal on 03.08.2020.
3. The Applicants are now before us seeking extension of time in implementation of the Resolution Plan. The following table shows the Original Schedule for carrying out certain obligations by the Resolution Applicants under the Resolution Plan vis-a-vis the Revised Schedule for completion of those obligations:

Original Schedule		Revised Schedule	
Issuance of NCDs to secured Financial Creditors	90 days from the Effective Date	Issuance of NCDs to secured Financial Creditors	150 days from the Effective Date
Appointment of New Directors	90 days from the Effective Date	Issuance of NCDs to secured Financial Creditors	150 days from the Effective Date
Arrangement of working capital facility of Rs. 5.00 Crore	90 days from the Effective Date	Arrangement of working capital Facility of Rs. 5.00 Crore	180 days from the Effective Date
Issuance of fresh Equity	90 days from the Effective Date	Issuance of fresh Equity	120 days from the Effective Date
• Re-constitution of Board of Directors	3 Months from Closing	• Re-constitution of Board of Directors	6 months from Closing

• Setting up of management team and control systems • Completion of Definitive Documents • Identification of contractors and execution of documents	Date	• Setting up of management team and control systems • Completion of Definitive Documents • Identification of contractors and execution of documents	Date
Restarting the factory of the Corporate Debtor	4 th Month onwards	Restarting the factory of the Corporate Debtor	9 th month onwards

4. The Applicants submit that as per the Resolution Plan the commencement of the implementation of the Resolution Plan is termed as the Closing Date/Effective Date i.e., 03.08.2020, the date of approval of the Resolution Plan under Section 31(1) of the Code by the NCLT and the obligations of the Resolution Applicants to implement the Resolution Plan shall be from that date.
5. It is submitted that due to the outbreak of the Covid-19 Pandemic, Resolution Applicants are facing various difficulties in implementing the Resolution Plan as no business is happening in the prevailing scenario. Hence the Resolution Applicants are seeking extension of timeline for implementation of the Resolution Plan without affecting the nature and character of the Resolution Plan.
6. We have heard the learned Counsel appearing on behalf of Suraksha Asset Reconstruction Limited, one of the Financial

Creditors, having 75.72% voting share in CoC and also the beneficiary of the Resolution Plan by way of issuance of NCDs. The learned Counsel expressed 'No Objection' for extension of timeline for the implementation of the Resolution Plan.

7. Thus, considering the facts and circumstances of the case, especially the Covid-19 situation, this Bench is inclined to extend the timeline as indicated in the revised schedule at Para No. 3 *supra*.
8. Accordingly, the Application is allowed as prayed for.

Sd/-
V. Nallasenapathy
Member (Technical)

Sd/-
Janab Mohammed Ajmal
Member (Judicial)

**NATIONAL COMPANY LAW TRIBUNAL
COURT No. – I, MUMBAI BENCH**

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**IA No. 2048/2020
in
CP(IB) No. 3505/MB/2018**

**Suraksha Asset Reconstruction Pvt.Ltd
V/s.
Siddharth Milk Foods Pvt.Ltd**

***** *** *****

Dated 18th December, 2020

ORDER

The matter is taken up on VC. Counsel for the Applicant is present. No representation for the Respondent. Orders pronounced vide separate orders. The Application is allowed.

**Sd/-
V. NALLASENAPATHY
Member (Technical)**

**Sd/-
MOHAMMED AJMAL
Member (Judicial)**