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**NATIONAL COMPANY LAW TRIBUNAL  
INDORE BENCH AT AHMEDABAD  
COURT 1**

**(MP) CP(IB) 13 of 2019**

**Coram: Mr. MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)  
Mr. VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE  
AHMEDABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 23.10.2020**

**Name of the Company:** Bharat Vyas Proprietor of M/s Connect to  
Create  
V/s  
Shantan Innovations Pvt. Ltd.

**Section:** 9 of IBC

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open Court vide Separate Sheet.

**(VIRENDRA KUMAR GUPTA)  
MEMBER (TECHNICAL)**

Dated this the 23rd day of October, 2020

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

**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
INDORE BENCH at AHMEDABAD BENCH  
COURT 1**

**MP/CP (IB) No.13/9/NCLT/AHM/2019**

**In the matter of :**

**Mr. Bharat Vyas**

**Proprietor of M/s.Connect to Create**

ljmima, Unit No.728, 7<sup>th</sup> floor

Opp. Interface

Off Link Road

Malad (W)

Mumbai-400 064

..Operational Creditor

**Versus**

**M/s. Shantan Innovations Pvt. Ltd.**

CIN: U51395MP2009PTC021627

Flat No.302, Block H

Scheme No.94, Service Road

Gram Pipliya Kumar

Ring Road, Indore

Madhya Pradesh-452 001

..Corporate Debtor

**Order Pronounced on 23<sup>rd</sup> October, 2020.**

**Coram: Madan B. Gosavi, Member(J)**

**Virendra Kumar Gupta, Member (T)**

**Appearance:**

Learned Counsel Mr. Vishal Dave for the Operational Creditor.

No one appeared for the Corporate Debtor.


**ORDER**

**[Per: Virendra Kumar Gupta, Member (T)]**

1. This Application is filed under Section 9 of the Insolvency & Bankruptcy Code, 2016 by the Operational Creditor,

Mr. Bharat Vyas, Proprietor of Connect to Create, to initiate Corporate Insolvency Resolution Process against Corporate Debtor M/s. Shantan Innovations Pvt. Ltd.

2. No one appeared for the Corporate Debtor nor any affidavit in reply has been filed. The Operational Creditor has complied with the formalities as regard to service of this petition on the Corporate Debtor. Since this application is pending from November 2019, we proceeded to decide the same after hearing the Operational Creditor and considering the material on record.
  
3. The facts, in brief, are that the Operational Creditor supplied goods worth Rs.50,08,506/- to the Corporate Debtor during the period from 18.06.2018 to 30.11.2018. Some goods were returned and payment was also made by the Corporate Debtor. The balance amount of Rs.34,29,913/- remained outstanding. The Operational Creditor tried to recover the same but to no avail. A notice under Section 8 of the I&B Code was duly served on the Corporate Debtor. Thereafter, the present application was filed.



4. Learned Lawyer, Mr. Vishal Dave, appeared for the Operational Creditor narrated these basic facts and drew our attention to the relevant material produced on record. Our attention was drawn to the proof of delivery of notice on the Corporate Debtor under Section 8 of the I&B Code. It was also pointed out that affidavit under Section 9 (3) (b) of the I&B Code had also been filed. The Learned Lawyer for the Operational Creditor prayed that this application, filed under Section 9 of I&B Code, may please be admitted.
5. We have considered the submission made on behalf of the Operational Creditor and have also perused the material on record. Admittedly, there is an outstanding sum of Rs.34,29,913/- (Rupees Thirty Four Lakhs Twenty Nine Thousand Nine Hundred and Thirteen only). Interest thereon has also been claimed. The amount of debt as per record is due and payable and there exists no dispute prior to service of notice under Section 8 of the I &B Code, 2016. Debt is not barred by limitation as well. The Application is defect free and complies with all the requirements of provisions of Section 8 and (9) of the Insolvency and Bankruptcy Code, 2016 read with relevant provisions of the Insolvency and

Bankruptcy (Application to Adjudicating Authority) Rules, 2016. The name of Insolvency Resolution Professional (IRP) has not been proposed, which is not mandatory in the case of application filed under Section 9 of the I&B Code, 2016. Hence, IRP shall be appointed by us from the list approved by the Insolvency and Bankruptcy Board of India (IBBI).

6. Accordingly, we admit this application and order as under:

**ORDER**

1. Corporate Debtor, M/s. Shantan Innovations Pvt. Ltd., is admitted in Corporate Insolvency Resolution Process under Section 9 of the Insolvency and Bankruptcy Code, 2016.
2. The moratorium under Section 14 of Insolvency and Bankruptcy Code, 2016 is declared for prohibiting all of the following in terms of Section 14(1) of the Code.
  - (a) the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
  - (b) transferring, encumbering, alienating or disposing of by the corporate debtor any of



its assets or any legal right or beneficial interest therein;

(c) any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.

3. The order of moratorium shall have effect from the date of this order till the completion of the Corporate Insolvency Resolution Process or until this Adjudicating Authority approves the Resolution Plan under sub-section (1) of the Section 31 or passes an order for liquidation of Corporate Debtor Company under Section 33 of the Insolvency & Bankruptcy Code, 2016, as the case may be.

4. We hereby appoint Mr. Amresh Shukla, Insolvency Resolution Professional, having Registration No. IBBI/IPA-001/IP-P00120/2017-18/10255 [E-mail id: insolvencyprofessionalsindia@gmail.com] to act as an Interim Resolution Professional (IRP) under Section 13(1) (c) of the Code. He shall conduct the Corporation



Insolvency Resolution Process as per the provision of Insolvency and Bankruptcy Code, 2016 r.w Regulation made thereunder:

5. The IRP shall perform all his functions as contemplated, *inter-alia*, by Sections 17,18,20 & 21 of the Code. It is further made clear that all personnel connected with Corporate Debtor, its Promoter or any other person associated with management of the Corporate Debtor are under legal obligation under Section 19 of the Code extend every assistance and co-operation to the Interim Resolution Professional. Where any personnel of the Corporate Debtor, its Promoter or any other person required to assist or co-operate with IRP, do not assist or Co-operate, IRP is at liberty to make appropriate application to this Adjudicating Authority with a prayer for passing an appropriate order.
  
6. This Adjudicating Authority direct the IRP to make public announcement of initiation of Corporate Insolvency Resolution Process (CIRP) and call for submission of claims under Section 15 as required by

Section 13(1) (b) of the Code.

7. It is further directed that the supply of goods/service to the Corporate Debtor Company, it continuing, shall not be terminated or suspended or interrupted during moratorium period.
8. The IRP shall be under duty to protect and preserve the value of the property of the 'Corporate Debtor Company' and manage the operations of the Corporate Debtor Company as a going concern as a part of obligation imposed by Section 20 of the Insolvency & Bankruptcy Code, 2016. The Operational Creditor is directed to pay an advance of Rs.25,000/- (Rupees Twenty-Five Thousand Only) to the IRP within two weeks from the date of receipt of this order for the purpose of smooth conduct of Corporate Insolvency Resolution Process (CIRP) and IRP to file proof of receipt of such amount to this Adjudicating Authority alongwith First Progress Report. Subsequently, IRP may raise further demands for Interim funds, which shall be provided as per Rules.
9. The Registry is directed to communicate a copy of this

order to the Operational Creditor, Corporate Debtor and to the Interim Resolution Professional and the concerned Registrar of Companies, after completion of necessary formalities, within seven working days and upload the same on website immediately after pronouncement of the order.

10. Accordingly, MP/CP(IB) No.13/9/NCLT/AHM/2019 is allowed.
11. The matter to be listed on 14.01.2021 for further consideration.

  
**(Virendra Kumar Gupta)**  
**Member (Technical)**

  
**(Madan Bhalachandra Gosavi)**  
**Member (Judicial)**

Signed on this, the 23<sup>rd</sup> day of October 2020.