NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

3. IA(LIQ.)/23/2025 (Liquidation Application) IN C.P. (IB)/461(MB)2021

IN THE MATTER OF

Meena Sakariya
VS
HReck Engineers Private Limited

U/s 9 of the Insolvency and Bankruptcy Code, 2016

Order Delivered on 18.11.2026

CORAM:
SH. NILESH SHARMA
MEMBER (J)

SH. CHARANJEET SINGH GULATI
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:
For the Petitioner: - Adv. Anoop Prakash Awasthi (VC)

For the Respondent: -

ORDER

IA(LIQ.)/23/2025

The above IA(LIQ.)/23/2025 is listed for pronouncement of the order. The same is pronounced in open court, vide a separate order.

Sd/-
NILESH SHARMA
Member (Judicial)

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)

//Sunil (PS)//

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, V

IA (LIQ) No. 23 OF 2025
Order under Section 33 of the Insolvency and Bankruptcy Code, 2016

IN THE MATTER OF:

Rajendra D. Puranik

Resolution Professional of M/s H'Reck Engineers Private Limited

Having its registered address at:

C 601, Dindoshi Onkar CHS LTD. Shivdham Complex, Off Gen AK Viadya Marg, Opp Fire Brigade, Malad (East), Mumbai Suburban, Maharashtra - 400097

… Applicant/Resolution Professional

IN THE ORIGINAL MATTER OF:

CP (IB) No. 461 OF 2021

Mrs. Meena Sakariya, Propritix of M/s M.R. Industries Services

…Original Petitioner/ Operational Creditor

Versus

H'Reck Engineers Private Limited

…Respondent/ Corporate Debtor

Order Delivered on: 18.11.2026

Coram:

Sh. Nilesh Sharma
Member (Judicial)

Sh. Charanjeet Singh Gulati
Member (Technical)

Appearance through VC/Physical/Hybrid Mode:

For the Applicant/RP: - Adv.Anoop Prakash Awasthi a/w Adv.Jasleen Kaur (VC)

RP in Person: - Rajendra Puranik (VC)

ORDER

IA (LIQ) NO. 23 OF 2025

1. The present Interlocutory Application has been filed on 24.09.2024 (refiled on 04.04.2025) by Mr. Rajendra D. Puranik, Resolution Professional of the Corporate Debtor, M/s H'Reck Engineers Private Limited, under Section 33 of the Insolvency and Bankruptcy Code, 2016 seeking following prayers:

    a. *That this Ld. Adjudicating Authority may pass an order to allow the liquidation of the Corporate Debtor H'Reck Engineers Private Limited and appoint a liquidator in the matter.*
    b. *Pass such other or further orders as may be deemed just and fit under the circumstances of the case.*

Brief Facts of the Application

2. The Corporate Insolvency Resolution Process **("CIRP")** of M/s H'Reck Engineers Private Limited **("Corporate Debtor")** was initiated by this Tribunal vide order dated 12.05.2023 in CP. (IB) 461 of 2021, filed under Section 9 of the Code by Mrs. Meena Sakariya, Proprietrix of M/s M.R. Industrial Services **("Operational Creditor")** and Mr. Rajendra Puranik **("Applicant")** was appointed as the Interim Resolution Professional **("IRP")** of the Corporate Debtor.

3. The IRP made a public announcement in Form A, in terms of Regulation 6 of IBBI (Insolvency Resolution Process for Corporate Persons)

Regulations, 2016 on 17.05.2023, inviting claims from the creditors of the Corporate Debtor.

4. In the 1st Meeting of the Committee of Creditors **("CoC")** held on 04.07.2023, the Applicant was confirmed as the Resolution Professional **("RP").** Thereafter, the first invitation for Expression of Interest **("EOI")** in Form G was published on 19.09.2023. However, no EOI was received pursuant to the said invitation. Accordingly, a second Form G was published on 30.10.2023, with the last date for submission of EOI subsequently extended to 13.12.2023. However, no viable Expression of Interest was received from any prospective Resolution Applicant.

5. Subsequently, the Suspended Directors being the MSME promoters of the Corporate Debtor expressed their willingness to file a Resolution Plan and the CoC in its 5th meeting held on 30.11.2023 approved their participation. Mr. Prakash J. Assar, a suspended director, submitted a Resolution Plan for consideration of CoC on 17.03.2024.

6. The Resolution plan was considered in the 9th meeting of CoC and in view of the non-compliances, the Resolution Applicant was asked to submit the Revised Resolution Plan. The Resolution Applicant submitted the revised resolution plan on 17.05.2024 which was placed before the CoC for approval at its 12th meeting held on 28.05.2024. Subsequently, the ballot for voting on the resolution plan was circulated on 30.05.2024. However, the decision remained pending until 23.08.2024, when Bank of Baroda, being a member of the CoC, rejected the resolution plan with 94.76% of the votes.

7. As per Form H, the fair value of the Corporate Debtor is Rs 10,287.12 Lakhs and its Liquidation Value is Rs. 295.53 Lakhs. It is submitted that

various application and extension were filed before this Tribunal, which are tabulated as follows:

S. No	I.A. No.	Relief sought	Order of this Tribunal
1	772/2024	Extension of 90 days (21.12.2023 to 20.03.2024)	Allowed vide order dated 01.03.2024
2	1553/2024	Extension of 45 days (21.03.2024 to 04.05.2024)	Allowed vide order dated 04.04.2024
3	2732/2024	Exclusion of 45 days (05.05.2024 to 18.06.2024)	Dismissed as infructuous
4	3861/2024	Extension of 30 days (19.06.2024 to 18.07.2024)	Dismissed as infructuous
5	4299/2024	Extension of 30 days (19.07.2024 to 17.08.2024)	Allowed vide order dated 20.09.2024
6	4770/2024	Extension of 30 days (18.08.2024 to 17.09.2024)	Dismissed as infructuous vide order dated 15.10.2024

8. Consequently, the CoC in its 16th Meeting held on 03.09.2024 resolved to liquidate the Corporate Debtor with due majority of 100% voting share and passed the following resolutions:

Resolution No. 1:

"Resolved that since the Resolution Plan submitted to the CoC is not acceptable to the CoC and is hereby decided to Liquidate the Corporate Debtor with a view to Section 33(2) of IBC, 2016."

Resolution No. 2

"Further resolved that the RP is hereby empowered to file Liquidation application with Hon'ble NCLT under Section 33(2) of IBC, 2016"

Resolution No. 3

"Resolved that the Estimated Liquidation expenses excluding the Liquidator fees approved by the CoC for Rs. 14,20,880/- (Rupees Fourteen Lakhs Twenty Thousand Eight Hundred Eighty Only"

9. It is stated that the proposal to appoint the existing Resolution Professional, Mr. Rajendra D. Puranik, as the Liquidator of the Corporate Debtor was rejected by a 100% majority. It is further stated that the CoC has, till date, not proposed any name for appointment as Liquidator.

10. That this Tribunal, vide order dated 09.05.2025, noted that the minutes of the 16th Meeting of CoC held on 03.09.2024, approving the liquidation of the Corporate Debtor, had not been placed on record and accordingly, the Applicant filed an Additional Affidavit dated 10.05.2025, placing the said minutes on record.

Analysis and Findings

11. We have heard the Ld. Counsel for the Applicant/RP and perused the material on record.

12. We note that the present Application has been filed seeking liquidation of the Corporate Debtor under Section 33 of the Code, inter alia, on the ground that resolution plan submitted by the suspended directors has been rejected and that the CoC has, with 100% voting share, resolved to liquidate the Corporate Debtor.

13. Before considering the facts of the present case, it would be appropriate to refer to the relevant provisions of Section 33 of the Code which stipulate:

Section 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; or

b) rejects the resolution plan under section 31 for the non-compliance of the requirements specified therein,

it shall—

(i) pass an order requiring the corporate debtor to be liquidated in the manner as laid down in this Chapter;

(ii) issue a public announcement stating that the corporate debtor is in liquidation; and

(iii) require such order to be sent to the authority with which the corporate debtor is registered."

(2) Where the resolution professional, at any time during the corporate insolvency resolution process but before confirmation of resolution plan, intimates the Adjudicating Authority of the decision of the committee of creditors approved by not less than sixty-six percent of the voting share to liquidate or dissolve the corporate debtor, the Adjudicating Authority shall pass a liquidation order as referred to in- sub-clauses (i)(ii)(iii)(iv) and (v) of clause (b) of sub-section (1).

Explanation – For the purposes of this sub-section, it is hereby declared that the committee of creditors may take the decision to liquidate the corporate debtor, any time after its constitution under sub-section (1) of section 21 and before the confirmation of the resolution plan, including at any time before the preparation of the information memorandum."

15. Section 33(1) provides that where the Adjudicating Authority does not receive a resolution plan before the expiry of the CIRP period or the maximum period permitted for completion of the CIRP, it shall pass an order for liquidation of the Corporate Debtor. Whereas, Section 33(2) of the Code provides that, at any stage during the CIRP, but before the approval of a resolution plan by the Adjudicating Authority, the CoC may, in exercise of its commercial wisdom, pass a resolution to liquidate the Corporate Debtor by a vote of not less than 66% of the voting share. Upon such decision being communicated by the RP to the Adjudicating Authority, the Adjudicating Authority is required to pass a liquidation

order. Thus, the existence of a CoC resolution with the requisite majority, and the filing of the application "at any time during the CIRP", are statutory preconditions for initiating liquidation under Section 33(2) of the Code. There is no such requirement of Section 33(1) of the Code.

16. In the present case, it is noted that the last extension of the CIRP period, from 19.07.2024 to 17.08.2024, was granted by this Tribunal vide order dated 20.09.2024 in I.A. No. 4299 of 2024. Although the CoC resolved to seek a further extension of the CIRP period from 18.08.2024 to 17.09.2024, the application seeking such extension was dismissed as infructuous vide order dated 15.10.2024 in I.A. No. 4770 of 2024. Accordingly, no further extension of the CIRP period was granted by this Tribunal.

17. During the aforesaid period, the Resolution Plan submitted by the Suspended Directors of the Corporate Debtor was rejected by the CoC on 23.08.2024. Subsequently, in its 16th Meeting held on 03.09.2024, the CoC resolved to liquidate the Corporate Debtor with 100% voting share. However, the said resolution was passed after the expiry of the extended CIRP period on 17.08.2024 and, therefore, cannot form the basis for liquidation under Section 33(2) of the Code.

18. In view of the foregoing, it is evident that the extended CIRP period expired on 17.08.2024 without the approval of any Resolution Plan and without the CoC having passed any resolution for liquidation of the Corporate Debtor during the subsistence of the CIRP, as contemplated under Section 33(2) of the Code. The resolution for liquidation was passed only on 03.09.2024, i.e. after expiry of the extended CIRP period. Accordingly, the present case falls within the ambit of Section 33(1)(a) of the Code, warranting liquidation of the Corporate Debtor.

19. As regards the appointment of the Liquidator, the CoC, with 100% voting share, declined to appoint the Applicant, the CoC has not proposed any other name. Pursuant to the amendment to Section 34 of the Code by the Insolvency and Bankruptcy Code (Amendment) Act, 2026, with effect from 26.05.2026, this Tribunal, while passing an order under Section 33, is required to refer the matter to the Board for making recommendations for the appointment of an Insolvency Professional as Liquidator. In view of the amended provisions of the Code and IBBI (Liquidation Process) Regulations, 2016, as applicable with effect from 01.06.2026, the appointment of the Liquidator is required to be considered in accordance with the amended procedure.

20. In view of the facts and circumstances of the case and the discussion hereinabove, this Bench is of the considered opinion that the present matter falls within the ambit of Section 33(1)(a) of the Code. Although a Resolution Plan was received and considered by the CoC, the same was rejected on 23.08.2024. Consequently, no Resolution Plan, duly approved by the CoC, came to be submitted to the Adjudicating Authority under Section 30(6) of the Code for its approval before the expiry of the extended CIRP period on 17.08.2024. Accordingly, this tribunal is left with no option but to order liquidation of the Corporate Debtor in the manner laid down in Chapter III of Part II of the Code. Therefore, the following order is passed in I.A. (LIQ) No. 23 of 2025 in C.P (IB) No. 461 of 2021:

ORDER

a. The Corporate Debtor, **M/s. H'Reck Engineers Private Limited** is directed to be liquidated in accordance with the provisions of Chapter III of Part II of the Code and applicable regulations. Consequently,

the Applicant/RP stands relieved subject to procedural/necessary compliances under Section 34(5) of the Code.

b. In view of discussion at Para No. 19 of this order, we deem it appropriate to appoint an Insolvency Professional, from the panel of Insolvency Professionals shared by the IBBI, as Liquidator in this case. Accordingly, **Mr. Hasti Mal Kachhara,** bearing Registration No IBBI/IPA-002/IP-N00342/2017-2018/10992, having address at A-602, Nirman Apartments, Pump House, Vikas Nagar, Andheri (East), Mumbai City, Maharashtra, 400093, Email id: **hastimal[dot]kachhara[at]gmail[dot]com**, having AFA valid upto 13-May-27, is appointed to act as the Liquidator in terms of Section 34 of the Code.

c. The Liquidator shall initiate the liquidation process as envisaged under Chapter III of the Code and the Liquidation Process Regulations applicable on the date of passing of this order. He shall take control of all the assets of Corporate Debtor and also continue or institute proceedings in respect of avoidance transactions or fraudulent or wrongful trading, if any, as per section 35(1)(l) of the Code.

d. The Liquidator shall be entitled to a fee for conducting the liquidation proceedings, as approved by the CoC or in accordance with Regulation 4 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, as applicable on the date of passing of this order, as the case may be.

e. The Committee of Creditors constituted under section 21 shall continue to function during the liquidation process as per Regulation 8 of the IBBI (Liquidation Process) Regulations, 2016.

f. A fresh moratorium shall commence in terms of provision of Section 33(1)(iv) of the Code.

g. The Liquidator shall issue public announcement stating that the Corporate Debtor is in liquidation.

h. This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor.

i. The Liquidator shall submit a Preliminary Report to the Adjudicating Authority within 30 days from the liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. The Liquidator shall also submit progress reports as per Regulation 15 of the Liquidation Process Regulations.

j. The Liquidator is hereby authorised to represent the Corporate Debtor before the Government Authorities, if required. Further, in terms of Section 35(1)(k) of the Code, the Liquidator is authorised to institute or defend any suit, prosecution or other legal proceedings, whether civil or criminal, in the name of or on behalf of the Corporate Debtor, including in respect of any pending proceedings, in accordance with the provisions of the Code and other applicable laws.

k. Registry shall furnish a copy of this Order within seven days from the passing of this Order to the following:

    i. Insolvency and Bankruptcy Board of India;

ii. Regional Director (Western Region), Ministry of Corporate Affairs;

iii. Registrar of Companies, Mumbai – I;

iv. Official Liquidator attached to Bombay High Court;

v. Erstwhile Resolution Professional, Mr. Rajendra D. Puranik.

vi. Liquidator, **Mr. Hasti Mal Kachhara**.

21. Accordingly, the I.A. (LIQ.) No. 23 of 2025 is **allowed** in above terms and stands **disposed of**.

Sd/-	**Sd/-**
NILESH SHARMA	**CHARANJEET SINGH GULATI**
Member (Judicial)	Member (Technical)
Smeet - LRA	