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

CP(IB) 171 of 2020

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE THE AHMEDABAD BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 15.03.2021

Name of the Company:

EDGE BIOTECH  
V/s  
Angstrom Biotech Pvt Ltd

Section:

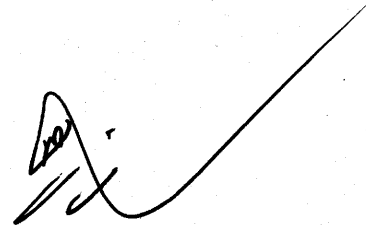
9 of the Insolvency and Bankruptcy Code, 2016

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open Court, vide separate sheet.

  
(VIRENDRA KUMAR GUPTA)  
MEMBER (TECHNICAL)

  
(MADAN B. GOSAVI)  
MEMBER (JUDICIAL)

Dated this the 15<sup>th</sup> day of March, 2021

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

**CP (IB) 171/9/NCLT/AHM/2020**

[Application for initiation of Corporate Insolvency Resolution Process under Section 9 of the Insolvency & Bankruptcy Code, 2016]

**In the matter of:**

**M/s. EDGE Biotech Pvt. Ltd.**

Through its Proprietor:

Mr. Devam Manharlal Bhoraniya,

Having address at:

59-Malviya Nagar,

B/H H.J Deshi Hospital,

Gondal Road, Rajkot,

Gujarat-360004

....Operational Creditor.

Versus

**M/s Angstrom Biotech Pvt. Ltd.**

Having address at:

870/5/B, GIDC Makarpura,

Vadodara, Gujarat-390010.

Current Office Address:

Plot No. G-1-1035,

RIICO Industrial Area,

Bhiwandi, Alwar, Rajasthan-301019

....Corporate Debtor

Order Reserved on: 10.03.2021

Order Pronounced on: 15.03.2021

**Coram: MADAN B. GOSAVI, MEMBER (J)**

**VIRENDRA KUMAR GUPTA, MEMBER (T)**

**Appearance:**

Learned Counsel Mr. Moiz K. Rafique appeared for the Operational Creditor.

**ORDER**

**[PER VIRENDRA KUMAR GUPTA, MEMBER (T)]**

1. This application has been filed by Operational Creditor, namely, M/s. EDGE Biotech Pvt. Ltd. under Section 9 of Insolvency & Bankruptcy Code, 2016 (hereinafter referred to as **"IBC, 2016"**) for initiation of Corporate Insolvency Resolution Process (hereinafter referred to as **"CIRP"**) against the Corporate Debtor, namely, M/s Angstrom Biotech Pvt. Ltd. for the default amount of Rs. 2,54,506/- (Rupees Two Lacs Fifty Four Thousand Five Hundred Six Only).
2. The facts, in brief, are that the Corporate Debtor used to purchase products like diagnostic rapid test cassette and other medical disposable packing products from the Operational Creditor. The Operational Creditor supplied the goods to the Corporate Debtor and raised invoices. For the payment of the said amount Corporate Debtor issued a cheque of Rs. 2,00,000/- vide Cheque No. 024396 dated 13.11.2019 which was dishonoured and returned by the Bank with memo dated 15.11.2019 with remark "Payment Stopped By Drawer". Thereafter, Demand Notice was issued by the Operational Creditor on 05.12.2019 for the

default amount of Rs. 2,54,506/- after failed to make the payment of outstanding amount. The Operational Creditor has issued the Demand Notice to the Corporate Debtor at its registered office Vadodara and current office in Alwar Rajasthan. But Demand Notices returned undelivered which was sent at registered address. However, the Demand Notice sent at current address was dully received by the corporate debtor.

3. Thereafter, Operational Creditor has filed instant application for initiation of CIRP. Learned Counsel for the Operational Creditor appeared and submitted that the Corporate Debtor had purchased the goods from Operational Creditor against which the Operational Creditor raised three invoices viz. Invoice No. EB GT-007/19-20, EB GT-011/19-20 and E B GT-015/19-20 for the total amount of Rs. 2,54,506/- dated 09.05.2019, 17.06.2019 and 24.06.2019 respectively. The Operational Creditor made the various requests and reminders for making the payment from the Corporate Debtor but Corporate Debtor failed to make the payment of outstanding amount. Learned Counsel further submitted that Corporate Debtor had issued a cheque of Rs. 2,00,000/- vide Cheque No. 024396 dated 13.11.2019 which was dishonoured and returned by Bank with a remark "Payment Stopped By Drawer". The Learned Counsel for the Operational Creditor further submitted that two Demand Notices were issued to the Corporate

Debtor, one at registered address and another at current address. The Demand Notice issued on current address was delivered and Demand Notice on registered office was returned undelivered. The Corporate Debtor did not reply to the Demand Notice within ten (10) days. Hence, this application was filed to initiate CIRP against such Corporate Debtor.

4. We heard Learned Counsel for the Operational Creditor and gone through material available on record. It appears that the Operational Creditor has supplied the goods and raised invoices viz. invoice no EB GT-007/19-20, EB GT-011/19-20 and E B GT-015/19-20 dated 09.05.2019, 17.06.2019 and 24.06.2019 respectively for the total amount of Rs. Rs. 2,54,506/-. The date of default is 09.05.2019. It is noted that for making of outstanding amount, Corporate Debtor issued a cheque of Rs. 2,00,000/- vide Cheque No. 024396 dated 13.11.2019 which was dishonoured on the presentation of clearance with remarks "Payment Stopped By Drawer". The Operational Creditor issued the Demand Notice to the Corporate Debtor at its registered as well as current address. The Demand Notice served at present address was duly delivered to the Corporate Debtor on 17.07.2020 but Corporate Debtor did not reply to Demand Notice within ten (10) days. The Registry of this Bench has also issued Notice to Corporate Debtor at both addresses. Despite giving sufficient opportunity, the Corporate

Debtor chose not to appear and contest the present petition. All the documents annexed with the application prove the debt of Operational Creditor. Moreover, the dishonouring of cheque further strengthens the claim of Operational Creditor.

6. The Operational Creditor did not propose the name of Resolution Professional for appointment of 'IRP' and left to the discretion of this Adjudicating Authority as it is not mandatory for the present application. The Application is defect free and complies with the requirements of Insolvency & Bankruptcy Code, 2016 and regulations made there-under. Hence, we allow the present application and admit the Corporate Debtor in CIRP under Section 9 of IBC, 2016. Accordingly, we pass the following order:

**ORDER**

1. The application is admitted and the moratorium 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.*
2. 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.
3. The Operational Creditor has proposed the name of the Interim Resolution Professional (IRP). Therefore, this Adjudicating Authority hereby appoints **Mr. Nandish Sunilbhai Vin** having **Registration No. IBBI/IPA-001/IP-P02117/2020-2021/13270**, **E-mail id: ip.nandish.vin@gmail.com** to act as an IRP under Section 13(1) (c) of the CODE.
4. 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.

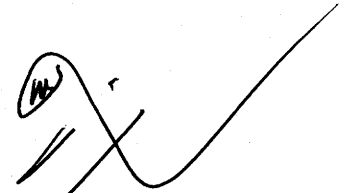
5. This Adjudicating Authority directs the IRP to make public announcement of initiation of Corporate Insolvency Resolution Process (CIRP) and call for submission of claims under Section 15 as required by Section 13(1) (b) of the CODE.
6. It is further directed that the supply of goods/service to the Corporate Debtor Company, it continuing, shall not be terminated or suspended or interrupted during moratorium period.
7. 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 along with First Progress Report.

8. 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.
7. Accordingly, CP (IB) No. 171/9/NCLT/AHM/2020 is allowed and stands disposed of.



(VIRENDRA KUMAR GUPTA)  
MEMBER (TECHNICAL)



(MADAN B. GOSAVI)  
MEMBER (JUDICIAL)

Signed on this, the 15<sup>th</sup> March, 2021.