IN THE NATIONAL COMPANY LAW TRIBUNAL

AHMEDABAD

SPECIAL BENCH

COURT - 1

ITEM No.5

IA/608(AHM)2021 in CP(IB) 809 of 2019

Proceedings under Section 33,34 & 60(5) IBC, 2016

IN THE MATTER OF:

Jeetendra Rajpal Daryani RP of Texon Global Pvt Ltd **........Applicant**

Order delivered on ..21/06/2022

Coram:

Madan B. Gosavi, Hon'ble Member(J)

Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The Bench is constituted as per Rule 150(2) of the NCLT Rules, 2016 and the order is pronounced in open court, vide separate sheet.

-SD-

AJAI DAS MEHROTRA
MEMBER (TECHNICAL)

-SD-

MADAN B GOSAVI
MEMBER (JUDICIAL)

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

IA 608 of 2021 in
CP (IB) No. 809/9/NCLT/AHM/2019

Mr. Jeetendra Rajpal Daryani,
RP of M/s. Texon Global Pvt. Ltd.
Having office at:
B-504, Atlantis, Main Street,
Hiranandani Gardens, Powai,
Mumbai City, Maharashtra 400076 **..... Applicant**

Versus

1. Texon Global Pvt. Ltd.
   Texon House, Shelter-2,
   Ground Floor,
   B/h. Misuja Court, Vasana,
   Vadodara

...Corporate Debtor/
Respondent No.1

2. M/s Tijaria Polypipes Ltd.
   SP-1-2316, RIICO Industrial Area,
   Ramchandrapura,
   Sitapura Extension,
   Jaipur-302022. **...Operational Creditor/**
Respondent No. 2

3. Canara Bank
   7th Floor, Tower-1,
   GIFT City, Gandhinagar. **....Financial Creditor/**

Respondent No. 3.

Order Pronounced on :21.06.2022.

Coram: Madan Bhalchandra Gosavi, Member (Judicial)
Ajai Das Mehrotra, Member (Technical)

Appearance:
Mr. Urvesh K Gor, Advocate, for the Applicant.

ORDER

[Per Bench]

1. The instant application is filed by the RP of M/s. Texon Global Pvt. Ltd. under section 33,34 and 60(5) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred as "IB Code") for liquidation of the Corporate Debtor.

2. The main Company Petition being CP(IB)No. 809 of 2019 was filed by Operational Creditor, namely M/s. Tijaria Polypipes Ltd.(hereinafter referred to as "Respondent No. 2"), against the Corporate Debtor viz., M/s. Texon Global Pvt. Ltd. under Section 9 of the IB Code, seeking initiation of Corporate Insolvency Resolution Process (hereinafter referred as "CIRP"). The said application was admitted by this Adjudicating Authority vide its Order dated 26.08.2020 and Mr. Sachin Dinkar Bhattbhatt was appointed as the Interim Resolution Professional of the Corporate Debtor.

3. In the 2nd CoC meeting, held on 10.11.2020, it was decided by CoC to replace the IRP, Mr. Sachin Dinkar Bhattbhatt with RP, Mr. Jeetendra Rajpal Daryani. The same was confirmed by this

Adjudicating Authority vide order dated 11.01.2021 in IA 913 of 2020.

4. It is submitted that to complete the pending work, the CoC in its 5th meeting dated 13.04.2021 resolved to apply for extension of CIRP period by 90 days beyond 180 days as the CIRP was to expire on 22.02.2021 and the same was allowed by this Adjudicating Authority vide order dated 08.03.2021. The extended CIRP period also got over on 06.06.2021.

5. It is submitted that the Applicant visited the office of the Corporate Debtor to find the whereabouts of books, accounts and status of the assets, if any, of the Corporate Debtor but due to non-cooperation and utter negligence of Auditor and Directors of the Corporate Debtor, he could not find any details.

6. It is submitted that an Auditor was appointed in the 3rd meeting of CoC, who prepared the books of accounts on the basis of account statements. After the said audit, CoC was informed that the Corporate Debtor has no assets, except few debtors.

7. The CoC in the 6th meeting dated 20.05.2021 has resolved to file application for exclusion of 30 days before the Adjudicating Authority. The RP has filed an exclusion application before the Adjudicating Authority bearing No. IA 374 of 2021, wherein the Adjudicating Authority rejected the application and directed the

RP to file the application to initiate the liquidation of the Corporate Debtor.

8. It is also submitted by the Applicant that the Corporate Debtor is a non-functional unit and there are no assets available in the Company, hence there is no chance to receive a plan to resolve the Corporate Debtor.

9. It is submitted that Canara Bank, being the sole member of CoC, has approved to file an application to initiate the liquidation proceeding of the Corporate Debtor vide e-mail dated 02.07.2021 and 16.08.2021.

10. Heard learned counsel for the Applicant and perused the material on record. It is noted that the Corporate Debtor is not a going concern and the Corporate Debtor has no movable and immovable property, the only assets of the Corporate Debtor was debts recoverable of Rs. 4,15,69,009/-. The debts recoverable are mostly from the Railway Departments. The efforts were made by the RP to recover the aforesaid debt, however the efforts of the RP were not fruitful.

11. We noted that the Applicant has proposed the name of Liquidator, who has been suspended by IBBI. Hence we hereby appoint IP Mr. Rajendra Jain, as the Liquidator from the list approved by IBBI.

12. Accordingly, we allow this present application and pass the following order:

ORDER

1) We hereby order the liquidation of the Corporate Debtor M/s Texon Global Pvt. Ltd. having CIN No. U32104GJ2005PTC046138 and allow IA No. 608 of 2021. The liquidation of the Corporate Debtor is effective from the date of this order.

2) The Moratorium declared vide order dated 26.08.2020 in CP(IB)No.809/9/NCLT/AHM/2019, henceforth, ceases to exist.

3) As per the Section 34 of the I.B. Code, Mr. Rajendra Jain having Registration No. IBBI/IPA-002/IP-N00732/2018-2019/12353 is hereby appointed as a Liquidator of the company, M/s. Texon Global Pvt. Ltd, having CIN No. U32104GJ2005PTC046138 who shall complete the liquidation process as per the provisions of Insolvency and Bankruptcy Code, 2016 r.w Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

4) All the powers of the Board of Directors, key managerial

persons, the partners of the Corporate Debtor hereafter cease to exist. All these powers henceforth vest with the Liquidator.

5) It is directed that the Liquidator may first explore to sell the Corporate Debtor as a going concern, in compliance with the provisions of Regulation 39(c) of IBBI CIRP Regulation, 2016.

6) The personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.

7) The Liquidator will charge fees for conduct of the liquidation proceedings as specified by IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.

8) That once liquidation process is initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor, while the liquidator shall have liberty to institute suit or other legal proceeding on behalf of the corporate debtor with the prior approval of this Adjudicating Authority, as

provided in sub section (5) of Section 33 of the IB Code.

9) This liquidation order shall be a deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

10) The Registry is directed to upload this order on the official website within maximum two working days from the date of this order. The authenticated copy of this order also be sent by the registry to the Financial Creditor, Corporate Debtor, Registrar of the Companies, and Liquidator by Speed-post within one week from this order.

13. Accordingly, the present I.A. No. 608 of 2021 in CP (IB) 809/9/NCLT/AHM/2019 stands disposed of.

-SD-

AJAI DAS MEHROTRA
MEMBER (TECHNICAL)

-SD-

MADAN B GOSAVI
MEMBER (JUDICIAL)

Sapna/Ramashish