

304

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
SPECIAL BENCH – I, CHENNAI**

**IA/173/CHE/2022 in CP(IB)/11/CHE/2021**

*(Filed under Section 33 of the Insolvency and Bankruptcy Code, 2016)*

In the matter of **ABHIRAAMI CHEMICALS LIMITED**

**Mr.M.Alagar**

Resolution Professional of  
Abhiraami Chemicals Limited  
Peralam Main Road,  
Thirunallar,  
Karaikal – 609 607

*... Applicant*

*Order Pronounced on 19<sup>th</sup> September 2022*

**CORAM:**

**Justice (Retd.) RAMALINGAM SUDHAKAR, PRESIDENT  
SAMEER KAKAR, MEMBER (TECHNICAL)**

For Applicant : *T.V.Suresh Kumar, Advocate*

**ORDER**

***Per: SAMEER KAKAR, MEMBER (TECHNICAL)***

This is an application filed under Section 33 of the Insolvency and Bankruptcy Code, 2016 seeking relief as follows:

- (a) That the Company, Abhiraami Chemicals Limited (CIN: U2411PY1992PLC000855) may be ordered to be

liquidated in terms of resolution passed at 2<sup>nd</sup> CoC meeting held on 26.11.2021

(b) That the Applicant Viz, M.ALAGAR, Resolution Professional (IBBI/IPA-002/IP-N00705/2018-2019/12320) may be appointed as Liquidator of the Abhiraami Chemicals Limited (CIN: U2411PY1992PLC000855) in terms of resolution passed at 2<sup>nd</sup> CoC meeting held on 26.11.2021 and

(c) To pass such order or further orders that this Tribunal may deem fit, proper and just under the circumstances of the case.

2. Before adverting into the facts of the case it is pertinent to refer to the order of this Tribunal dated 07.07.2022 wherein it was stated that the application bearing IA/731(CHE)/2022 filed by the Resolution Professional seeking to amend the cause title in IA/173(CHE)/2022 was allowed. Pursuant to the order dated 07.07.2022, the applicant complied the said order and amended the cause title on 12.07.2022 by making an endorsement in the Application.

**FACTUAL BACKGROUND:**

3. Shorn of unnecessary details, the aspects relevant for the present case are as follows:

a) From the averments made by the Applicant, it is evident that the Corporate Insolvency Resolution Process (CIRP) of the Corporate Debtor was initiated on 04.10.2021 and the Applicant herein was appointed as the Interim Resolution Professional (IRP) and public announcement was made by the IRP on 05.10.2021

b) Further it was submitted that the Public Announcement was also published in English and Tamil Newspapers on 06.10.2021 and thereafter corrigendum to the aforesaid Public Announcement was issued in English and Tamil Newspapers on 12.10.2021 to the effect that the last date of submission of claims and estimated date of closure of insolvency process was modified to 18.10.2021 and 03.04.2022 respectively from the original date of 17.10.2021 and 02.04.2022.

c) It was further submitted by the Applicant that the Corporate Debtor has the following bank accounts viz.,

<b>S.No</b>	<b>BANK</b>	<b>ACCOUNT DETAILS</b>
1	State Bank of India, Karaikal Branch	10956276296
2	Indian Bank, Karaikal Branch	400381795
3	Indian Overseas Bank, Ambattur Industrial Branch, Chennai	019602000003949

- d) On 19.10.2021, the Applicant visited the registered office of the Corporate Debtor and verified the documents and took control over the premises. On perusal of the documents provided by the Corporate Debtor and based on the personal visit on 19.10.2021, the Applicant had identified that there is no business operation and the Corporate Debtor does not have any immovable properties. Based on the preliminary inspection and the list of assets and liabilities provided, the applicant found that the Corporate Debtor only has the following assets: cash in hand; cash underlying in its bank accounts; fixed deposit and government securities.
- e) It is seen from para 3.12 of the Application that as per the direction of this Tribunal dated 04.10.2021, the applicant had filed the 1<sup>st</sup> progress report on 22.10.2021 and the same is annexed at Annexure- 9.
- f) It was further averred in the application that the applicant verified the claims received from the sole Financial Creditor, Jyothy Labs Limited and prepared the list of creditors as on 26.10.2021 and the same is enclosed at Annexure 10 of the Application typeset.

- g) On 27.10.2021, Committee of Creditors (CoC) was formed by the IRP with Jyothy Labs Limited as the sole Financial Creditor with voting share of 100%.
- h) The 1<sup>st</sup> meeting of CoC was held on 03.11.2021, it was unanimously decided that the IRP shall be appointed as Resolution Professional (RP) and accordingly a resolution was passed to that effect and the applicant's consent to act as RP in Form -AA dated 30.10.2021 was also placed before the 1<sup>st</sup> CoC meeting and the same is placed at annexure- 13 and minutes of the 1<sup>st</sup> CoC Meeting dated 05.11.2021 is enclosed as Annexure 14 of the Application typeset.
- i) After appointed as RP, the Applicant intimated to banks by letter dated 17.11.2021. Further it was submitted by the Applicant the Applicant had also received a claim from the Operational Creditor on 28.10.2021. After verification of the claim, it has been approved based on the list of creditors which has been by the Applicant as on 17.11.2021 and the same is enclosed as Annexure - 17 of the Application typeset.



- j) The 2<sup>nd</sup> CoC meeting was held on 26.11.2021 and in the said meeting the CoC decided to liquidate the Corporate Debtor in accordance with Section 33(2) of the Insolvency and Bankruptcy Code, 2016, prior to issuance of Information Memorandum and completion of 180 days period since the Corporate Debtor only has liquid assets and does not have any business operations and has zero revenue from operations.
- k. It was further submitted by the applicant that it was decided by the CoC to dispense with appointing 2 registered valuers in accordance with Regulation 27 of the IBC, 2016. Since the Corporate Debtor does not have any fixed assets or inventory, the only assets available are that of funds in bank account of the Company, security deposit with NSDL and Tami Nadu Electricity Board amounting to Rs. 9,15,293/- (Rupees Nine Lakhs Fifteen Thousand Two Hundred and Ninety-Three Only) as on CIRP Commencement date. It was also agreed that it will not be beneficial to issue expression of Interest as the Corporate Debtor will not attract any Resolution Plan as the Corporate Debtor does not have any business, employees, fixed assets, inventories or any other assets

except for the liquid assets. In the same meeting, a resolution was passed to appoint the RP as the Liquidator of the Corporate Debtor.

- l) It was further averred in para 3.28 of the application that the RP gave his consent for appointment as liquidator in the CoC meeting and the CoC approved the appointment of RP as liquidator and authorized him to intimate the decision to intimate the decision to liquidate the Corporate Debtor and the Minutes of the 2<sup>nd</sup> CoC meeting dated 29.11.2021 is enclosed at annexure- 20 of the application typeset.
- m) It was further averred in the application that the estimated realization value of the Corporate Debtor on Liquidation shall be Rs.5,22,968/- and the same was duly noted by the CoC.
- n) The 3<sup>rd</sup> CoC meeting was held on 10.01.2022 in which list of creditors was approved and the Minutes of the 3<sup>rd</sup> CoC meeting is enclosed at Annexure – 27 of the Application typeset.




4. It is seen from the application that the applicant had annexed Form-H and the same is placed at Annexure 27 of the Application typeset.

5. Heard the submissions of the Ld. Counsel for the Applicant. It can be seen from the submissions that the Committee of Creditors in the 2<sup>nd</sup> COC meeting held on 26.11.2021 has resolved to liquidate the Corporate Debtor. In such circumstances, this Adjudicating Authority concludes that this present application deserves to be allowed.

6. Thus, as a consequence thereof, the Corporate Debtor is required to be ordered for liquidation as per Section 33(1)(a) of IBC, 2016. As per the latest list provided by the IBBI for the period from July 2022 to December 2022, we hereby appoint **Mr. M.Alagar**, with Reg. No. **IBBI/IPA-002/IP-N00705/2018-2019/12320 (E-Mail Id: alagarcs@gmail.com) (AFA is valid up to 10.01.2023)** as the Liquidator of the Corporate Debtor, to carry out the liquidation process subject to the following terms of the directions.

- a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended upto date enjoined upon her.



- b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.
- c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file suitable application before this Adjudicating Authority.
- d) The Registry is directed to communicate this order to the Registrar of Companies, Chennai and to the Insolvency and Bankruptcy Board of India;
- e) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.
- f) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and that a fresh Moratorium under

section 33(5) of the Insolvency and Bankruptcy Code shall commence.

- g) The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.
- h) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section – 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.
- i) The Liquidator shall submit a Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further report as are required to be filed under the relevant Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.
- j) Copy of this order be sent to the financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary co-operation in relation to the Liquidation process of the Corporate Debtor.

7. With the above said directions, this IA/173/CHE/2022 filed for Liquidation of the Corporate Debtor stands **allowed**.

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**SAMEER KAKAR**  
MEMBER (TECHNICAL)

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**JUSTICE RAMALINGAM SUDHAKAR**  
PRESIDENT