

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH -1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON **24.06.2022** AT
10:30 AM THROUGH VIDEO CONFERENCE

IA (IBC) 229/2022 in CP (IB) No. 321/7/HDB/2020

U/s. 7 of IBC, 2016.

IN THE MATTER OF:

Bhagyanagar Investments & Trading (P) Ltd ... **Financial Creditor**

Vs.

BRS Enterprises and Trading Ltd ... **Corporate Debtor**

CORAM:-

DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. VEERA BRAHMA RAO AREKAPUDI, HON'BLE MEMBER (TECHNICAL)

ORDER

IA No.229/2022 in CP No.321/7/HDB/2020, orders pronounced, recorded vide separate sheets. In the result order for liquidation of M/s. BRS Enterprises and Trading Ltd, the Corporate Debtor herein is allowed.

Accordingly IA No.229/2022 is allowed.

Sd/-

MEMBER(T)

Sd/-

MEMBER(J)

*IA (IBC) 229/2022 in CP (IB) No. 321/7/HDB/2020
Under Section 33 of the Insolvency and Bankruptcy Code, 2016.*

Date of order: 24.06.2022

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1**

IA (IBC) 229/2022 in CP (IB) No. 321/7/HDB/2020

*Under Section 33(1) and 34 of the Insolvency and Bankruptcy Code, 2016 read with Rule 11
of National Company Law Tribunal Rules, 2016.*

**IN THE MATTER OF M/s. BRS ENTERPRISES AND TRADING
LIMITED**

Filed by:

CS Bhaskar B

Resolution Professional of

M/s. BRS Enterprises and Trading Limited

4/447A, 7th Street, Aruna Nagar,

K Vadamadurai, PO, Coimbatore – 641017

... Applicant/Resolution Professional

Date of Order: 24.06.2022

Coram:-

Dr. Venkata Ramakrishna Badarinath Nandula, Hon'ble Member (Judicial)

Shri. Veera Brahma Rao Arekapudi, Hon'ble Member (Technical)

Appearance:-

For the Applicant: - Shri. Mayur Mundra, Counsel assisted by Ms. Shreya
Mundra, Counsel.

*IA (IBC) 229/2022 in CP (IB) No. 321/7/HDB/2020
Under Section 33 of the Insolvency and Bankruptcy Code, 2016.*

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PER: BENCH

1. The Resolution Professional (hereinafter referred to as “the Applicant”) filed this instant application under Section 33(1) read with the Section 34 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as “the Code”) for issuance of directions for liquidation of M/s. BRS Enterprises and Trading Limited (hereinafter referred to as “Corporate Debtor”) by this Adjudicating Authority.

2. The gist of the application as follows:-

- 2.1 The Financial Creditor i.e., M/s. Bhagyanagar Investments and Trading (P) Ltd has filed a Petition under Section 7 of the Code bearing CP (IB) No. 321/7/HDB/2020 for initiation of Corporate Insolvency Resolution Process against the Corporate Debtor and the same was admitted by this Adjudicating Authority vide order dated 05.08.2021 and appointed the Applicant herein, as the Interim Resolution Professional and continuing as Resolution Professional.
- 2.2 Pursuant to the publication of Public notice, the Applicant constituted Committee of Creditors (COC) and the first COC meeting was conducted on 13.09.2021 and informed the members about the claims received by him.
- 2.3 With the approval of COC members the applicant published Form-G (invitation of Expression of Interest [EoIs]) on 19.10.2021 and the applicant didn't received expression of interest from any of the prospective resolution applicant.
- 2.4 In the 3rd COC meeting, with 100% majority the members approved for liquidating the corporate Debtor as there are no possibility of resolution plan and no chance of reviving the Corporate Debtor since there are no fixed assets in its books of accounts. The COC members further resolved to appoint Shri. K J Vinod as the Liquidator.

*IA (IBC) 229/2022 in CP (IB) No. 321/7/HDB/2020
Under Section 33 of the Insolvency and Bankruptcy Code, 2016.*

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3. We have heard the Learned Counsel for the Applicant and perused the record. According to the learned counsel for the Applicant, no resolution plan was received during the entire period of CIRP process.
4. It is noted that the proposed Insolvency professional has given Form AA, his written consent dated 10.01.2022 and also Form B - Authorisation for Assignment (AFA) is valid up to 24.03.2023 for acting as the Liquidator for the Corporate Debtor.
5. We are fully conscious of the fact that the primary object of the Code is resolution and liquidation is the last resort. At the same time keeping the timelines prescribed under the Code is paramount, lest asset value is deteriorated. Therefore, taking into consideration the provisions of law as well as the documents on record, this Adjudicating Authority is of the view that as there are no resolution plans received the only option is to liquidate the Corporate Debtor, hence we allow this application directing the liquidation of the Corporate Debtor.

ORDER

- A. This Adjudicating Authority hereby orders for liquidation of M/s. BRS Enterprises and Trading Limited, the Corporate Debtor herein, which shall be conducted in the manner as laid down in Chapter III of part II of the Code, 2016;
- B. Shri. K J Vinod, Insolvency Professional,
Registration No. IBBI/IPA-003/ICAI-N-00291/2020-2021/13451,
Address: Flat No.9, Floor No.3, Block-A, Trident Sernity,
Nanjundapuram Road, Ramanathapuram,
Coimbatore, Tamil Nadu – 641036.
Email-id: kjvinod05@rediffmail.com ,
is hereby appointed as Liquidator;
- C. He shall issue public announcement stating that the Corporate Debtor is in liquidation in terms of Regulation 12 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

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- D. The moratorium declared under Section 14 of the Code, shall cease to have effect from the date of the order of liquidation;
- E. Subject to Section 52 of the Code, 2016, no suit or other legal proceedings shall be instituted by/or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- F. All the powers of the Board of Directors, Key Managerial Personnel and partners of the corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
- G. The Liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code read with the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
- H. Personnel connected with the Corporate Debtor shall extend all assistance and co-operation to the Liquidator as would be required for managing its affairs.
- I. The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34(8) of the Code.
- J. The Applicant is directed to serve the copy of this order to Registrar of Companies, Regional Director, Official Liquidator of Hyderabad, Registered office of the Corporate Debtor for information and compliance.

Sd/-

VEERA BRAHMA RAO AREKAPUDI
MEMBER (TECHNICAL)

Sd/-

DR. N V RAMAKRISHNA BADARINATH
MEMBER (JUDICIAL)

Vms.