

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

C.P. No. 3281/I&BP/2018

Under section 8 & 9 of the IBC, 2016

In the matter of

Special Steel Stores

T-22, Telco Road, MIDC, Bhosari, Pune-  
411026

.... Petitioner

V/s.

Varron Aluminium Private Limited

403, Floor-4, Shree Krishna Building,  
Sant Gadge Baba Marg, off Dadasaheb  
Phalke Road, Dadar (E) Mumbai-411026

.... Corporate Debtor

Order delivered on: 27.11.2019

Coram:

Hon'ble Smt. Suchitra Kanuparthi, Member (Judicial)

Hon'ble Shri V. Nallasenapathy, Member (Technical)

For the Petitioner: Adv. Raina Birla

For the Corporate Debtor: None present

*Per: Suchitra Kanuparthi, Member (Judicial)*

ORDER

1. This company Petition is filed by Special Steel Stores (hereinafter called "Petitioner") seeking to set in motion the Corporate Insolvency Resolution Process (CIRP) against Varron Aluminium Private Limited (hereinafter called "Corporate Debtor") alleging that the Corporate Debtor committed default in making payment to the extent of Rs. 59,05,397/- by invoking the provisions of Section 8 and 9 of the Insolvency & Bankruptcy Code (hereinafter called "Code") read with Rule 5 and 6 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

2. The petition reveals that the Petitioner supplied steel bars to the Corporate Debtor and the Petitioner raised various invoices on the Corporate Debtor. The Ledger Account produced by the Petitioner from the period of

01.04.2017 to 05.08.2018 reveals that a sum of Rs. 59,05,397/- is payable by the Corporate Debtor.

3. The Petitioner issued Demand Notice under Section 8 of the Code, on 26.07.2018, demanding a sum of Rs. 59,05,397/-. However, there was no reply from the Corporate Debtor for the Demand Notice and the Petitioner has filed affidavit as required under Section 9(3)(b) of the Code stating that there was no reply from the Corporate Debtor.

4. Despite service of notice and intimation of date of hearing, there is no representation on the side of the Corporate Debtor. The matter was initially posted for hearing 25.03.2019, wherein none appeared for the Petitioner, but the representative was present, and the matter was adjourned to 17.06.2019. On 17.06.2019, the counsel of the Petitioner was present but there is no representation from the side of the Corporate Debtor the matter was adjourned to 03.09.2019. The matter was listed on 04.09.2019 and the counsel for the petitioner was present and was directed to inform the next date of hearing to the other side. The matter was then listed on 17.09.2019, 25.09.2019, 15.10.2019 and 22.10.2019, but the Corporate Debtor failed to appear the matter was heard and reserved for orders.

5. On hearing the submissions of the counsel for the Petitioner and on going through the Form 5 and the connected documents produced by the Petitioner, it is crystal clear that debt that in terms of the ledger account produced and default of non-payment of the said dues on the part of the Corporate Debtor are established.

6. This Bench having been satisfied with the petition filed by the Petitioner which is in compliance of provisions of Section 8 & 9 of the Insolvency & Bankruptcy Code admits this application declaring Moratorium with the directions as mentioned below:

- (a) that this bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgement, decree or other in any court of law; transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein; 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 Securitization and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.

- (b) that the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
  - (c) that the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
  - (d) that the order of moratorium shall have effect from 27.11.2019 till the completion of the CIRP or until this Bench approves the resolution plan under sub-section (1) of Section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be.
  - (e) that the public announcement of the CIRP shall be made immediately as specified under Section 13 of the Code.
  - (f) that this Bench hereby appoints Mr. Laxman Digambar Pawar, residing at 15 & 16 Bhakti complex, 1<sup>st</sup> Floor, Behind Dr Ambedkar Statue, Pimpri, Pune-411018; having Registration No. IBBI/IPA-003/IP-N00015/2017-18/10104 as Interim Resolution Professional to carry the functions as mentioned under the Code.
7. Accordingly, this Petition is admitted.
8. The Registry is hereby directed to communicate this order to both the parties and to the Interim Resolution Professional immediately.

Sd/-  
V. Nallasenapathy  
Member (Technical)

Sd/-  
Suchitra Kanuparthi  
Member (Judicial)