

**NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD (COURT NO. II)**

**IA/163/2022**

**IN**

**CP (IB) 152/9/NCLT/AHM/2018**

(Under Section 54 of the Insolvency and Bankruptcy Code, 2016 read with Regulation 44 and 45 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016)

**In the Matter of:**

**Mr. Sunil Kumar Kabra,**  
Liquidator of  
M/s. Danke Electricals Limited  
Office at:  
301, 3<sup>rd</sup> Floor, Reegus Business  
Centre, New Citylight Road,  
Above Mercedes Benz Show  
Room, Bharthana-Vesu,  
Surat, Gujarat- 395007.

**...Applicant**

**AND**

**In the Matter of:**

**M/s. Sai Products**

**...Operational Creditor**

**Versus**

**M/s. Danke Electricals Limited**

**...Corporate Debtor**

**Order Pronounced On: 14/06/2022**

**Coram:**

**DR. DEEPTI MUKESH,  
HON'BLE MEMBER (JUDICIAL)  
AJAI DAS MEHROTRA,  
HON'BLE MEMBER (TECHNICAL)**



## MEMO OF PARTIES

IA/163/2022

**Mr. Sunil Kumar Kabra,**  
Liquidator of  
M/s. Danke Electricals Limited,  
Registered Office at:  
776/778 GIDC  
Industrial Estate,  
Waghodiya,  
Vadodara, Gujarat-391760.

...Applicant/Liquidator

**Present:**

For the Applicant: Mrs. Nitu Chaturvedi

### ORDER

1. The instant Application is filed by Mr. Sunil Kumar Kabra, Liquidator of M/s. Danke Electricals Limited (for brevity 'Corporate Debtor') under Section 54 of the Insolvency and Bankruptcy Code, 2016 (for brevity 'Code') read with Regulation 44 and 45 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 seeking an order for the dissolution of the Corporate Debtor.
2. The brief facts of the case are as under:-
  - a) An Operational Creditor (M/s. Sai Products) had filed an application under section 9 of the Code for initiation of Corporate Insolvency Resolution Process (hereinafter referred to as "CIRP") of M/s. Danke Electricals Limited



which was admitted vide order dated 27.07.2018, and Mr. Sunil Kumar Kabra was appointed as Interim Resolution Professional.

- b) 1<sup>st</sup> meeting of the committee of creditors ('CoC') comprising of 1 member was held on 28.08.2018, wherein Mr. Sunil Kumar Kabra was confirmed as Resolution Professional.
- c) In the 4<sup>th</sup> meeting of CoC held on 26.10.2018, and Form G was published on 29.10.2018 but no EoI was received by the resolution professional during CIRP of the corporate debtor.
- d) No EoI was received after publication of the form G on 29.10.2018. In the 5<sup>th</sup> meeting of CoC held on 10.12.2018, it was discussed that company was not doing any manufacturing activity prior to CIRP period but only some minor repair work of transformers was carried out prior to CIRP and during CIRP. The CoC was of opinion that chance of revival of corporate debtor was very less hence to preserve the value of assets, liquidation process needs to be started. It was unanimously resolved by the CoC to initiate liquidation proceeding, resolution professional was authorized to file appropriate application.
- e) Vide order dated 12.06.2019, the liquidation order was passed under section 33(1), 33(2) and 34(1) of the Code appointing Mr. Sunil Kumar Kabra as the Liquidator of corporate debtor.



- f) The Liquidator gave necessary public announcements in the leading newspaper, inter alia, inviting claims from all stakeholders and Creditors of the Corporate Debtor.
- g) The liquidator also intimated about the liquidation of the corporate debtor to the Registrar of Companies(RoC) on 08.07.2019.
- h) The liquidator constituted the stakeholders consultation committee (SCC) as per the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, on 24.08.2019.
- i) The modification of list of stakeholder was allowed vide order dated 20.07.2020 and list of stakeholders was rectified accordingly.
- j) Company Appeal (AT)(Insolvency) No. 1429 of 2019, was filed by the suspended board of director/shareholder of the corporate debtor against the liquidation order dated 12.06.2019 before Hon'ble NCLAT. The said appeal was dismissed vide order dated 11.12.2019, with following observation

*“This appeal has been filed after delay of 137 days. Learned counsel for the Appellant submits that brother of the Appellant is suffering from Cancer. However, as this Appellate Tribunal has no jurisdiction to entertain an appeal beyond 15 days after 30 days of filing the appeal, the petition for condonation is rejected.*



*This apart, we find that the order of 'Liquidation' was passed on 12<sup>th</sup> June, 2019 and even thereafter, the 'corporate debtor' can revive the company in the light of this Appellate Tribunal's decision in "Y. Shivram Prasad Vs. S. Dhanapal & Ors.-Company Appeal(AT)(Insolvency) No. 224 of 2018 etc." disposed of on 27<sup>th</sup> February, 2019.*

*For the reasons aforesaid, the appeal is dismissed."*

3. The liquidation period was further extended by one year vide order dated 24.11.2021.
4. In compliance with Regulation 44 and 45 of the IBBI (Liquidation Process) Regulations, 2016, the Liquidator has filed the final report along with Compliance Certificate in Form H dated 08.02.2022. The fair value and the liquidation value both are same, which is Rs. 17,39,92,882/-. Amount realized from the sale of liquidation estate is Rs. 11,92,16,954/-. The amounts distributed to the stakeholders as per section 52 or 53 of Code are as under:



(Amount in Rs. Lakhs)						
Sl.	Stakeholders* under section 53 (1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed (%)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	(a): CIRP Costs			14.80		
2	(a): Liquidation Costs			84.28		
3	(b)(i) workmen's dues for the period of twenty-four months preceding the liquidation commencement date	8.52	8.52	8.52	100%	
4	(b)(ii) debts owed to a secured creditor in the event such secured creditor has relinquished security in the manner set out in section 52	8,372.87	8,365.96	1,084.57	12.95%	
5	(c) wages and any unpaid dues owed to employees other than workmen for the period of twelve months preceding the liquidation commencement date	NA				
6	(d) financial debts owed to unsecured creditors	NA				
7	(e)(i) any amount due to the Central Government and the State Government including the amount to be received on account of the Consolidated Fund of India and the Consolidated Fund of a State, if any, in respect of the whole or any part of the period of two years preceding the liquidation commencement date	186.42	186.42	0	NA	
8	(e) (ii) debts owed to a secured creditor for any amount unpaid following the enforcement of security interest	NA				
9	(f) any remaining debts and dues	136.35	133.57	0	NA	
10	(g) preference shareholders, if any;	NA				
11	(h) equity shareholders					
	<b>Total</b>	<b>8,704.16</b>	<b>8,694.47</b>	<b>1,192.17</b>	<b>13.70%</b>	



5. It is further submitted that no further assets are left to be utilized and /or disposed of for recovery of dues of the Stakeholders and that nothing remains in the Liquidation Process of the Corporate Debtor. Liquidation account opened with the Indian Overseas Bank for the corporate debtor by the liquidator is closed and the closure report has been filed. The liquidator held the final meeting of the Stakeholders Consultation Committee(SCC) on 28.01.2021, wherein the liquidator has appraised the SCC that as per Regulation 45 of Liquidation Regulation, an application for dissolution of the corporate debtor along with final report needs to be filed to the Adjudicating Authority. Hence, the instant application is filed by the Liquidator.
6. In view of the above and documents placed on record, we in the exercise of the powers conferred under section 54(2) of the IB Code hereby order the dissolution of the Corporate Debtor viz., M/s. Danke Electricals Limited having CIN U31100GJ1995PLC024181 from the date of this order and the Corporate Debtor stands dissolved.
7. Consequently, the Liquidator Mr. Sunil Kumar Kabra is discharged from his duties and responsibilities as the Liquidator of the Corporate Debtor.
8. The Liquidator and the Registry are directed to send the copy of this order within 7 days from the date of this order to the ROC, Gujarat along with all the books and files of the Corporate Debtor, i.e., M/s. Danke Electricals Limited. The RoC is directed to update the status of corporate debtor in the master data.



9. A copy of this order shall also be forwarded to the IBBI and concerned parties for their record.

10. Application is allowed in terms of the above order and stands disposed of.

**-SD-**

**AJAI DAS MEHROTRA  
MEMBER (TECHNICAL)**

**-SD-**

**DR. DEEPTI MUKESH  
MEMBER (JUDICIAL)**

Abhishek Singh



Certified to be True Copy of the Original

  
Joint Registrar  
NCLT, Ahmedabad Bench  
Ahmedabad