

THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT-V)
SPECIAL BENCH

IB No. 530/ND/2020

IN THE MATTER OF:

Viom Infra Ventures Limited

(Formerly Known as
Quippo Infrastructure Limited)
NAC Campus, NAC Road Cyberabad,
(Post) Kondapur,
Hyderabad, Telangana, India – 500084

...APPLICANT/ OPERATIONAL CREDITOR

VERSUS

SKA Infrastructure Private Limited

O-62, Lajpat Nagar – II
New Delhi, India - 110024

...RESPONDENT NO. 1/ CORPORATE DEBTOR

Union of India, Ministry of Corporate Affairs

Through its Secretary
A wing, Shastri Bhawan, Rajendra Prasad Road,
New Delhi - 110001

...RESPONDENT NO.2

Order Delivered on: 06.06.2022

Section: 9 of the Insolvency and Bankruptcy Code, 2016

CORAM:

SHRI ABNI RANJAN KUMAR SINHA, HON'BLE MEMBER (JUDICIAL)

SHRI L.N. GUPTA, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Nikhil Jain Adv.

For the Respondent : None

ORDER

PER SHRI L. N. GUPTA, MEMBER (T)

M/s Viom Infra Ventures Limited, formerly known as M/s Quippo Infrastructure Limited (**Applicant/Operational Creditor**) has filed this Application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (**'IBC, 2016'**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 through its authorized representative Mr. Rupesh Kumar with a prayer to initiate the Corporate Insolvency Resolution Process against M/s SKA Infrastructure Private Limited (**'Corporate Debtor/Respondent'**).

2. The Corporate Debtor namely, SKA Infrastructure Private Limited, having CIN: U45400DL2011PTC216808 is a company incorporated on 31.03.2011 under the provisions of the erstwhile Companies Act, 1956, having registered office at O-62, Lajpat Nagar II New Delhi DL 110024, which is within the jurisdiction of this Tribunal.

3. That from the perusal of the Master Data of the Applicant Company on the website of Ministry of Corporate Affairs, it is noticed that the Applicant/Operational Creditor is under the CIR process. The master data of the Applicant Company as appearing on the website of Ministry of Corporate Affairs is reproduced overleaf :



MCA Services

Home > MCA Services > Master Data > Company/LLP Master Data

Company/LLP Master Data	
CIN	U35203TG2007PLC057400
Company Name	VIOM INFRA VENTURES LIMITED
ROC Code	RoC-Hyderabad
Registration Number	057400
Company Category	Company limited by Shares
Company SubCategory	Non-govt company
Class of Company	Public
Authorised Capital(Rs)	96000000
Paid up Capital(Rs)	71100000
Number of Members(Applicable in case of company without Share Capital)	0
Date of Incorporation	06/02/2007
Registered Address	NAC Campus, NAC Road Cyberabad, Kondapur (Post) Hyderabad Hyderabad TG 500084 IN
Address other than R/o where all or any books of account and papers are maintained	PLOT NO. X-1, 2 & 3, BLOCK EP SECTOR V , GROUND FLOOR, SALT LAKE CITY KOLKATA 700091 WB
Email Id	compliance@quippoworld.com
Whether Listed or not	Unlisted
ACTIVE compliance	
Suspended at stock exchange	-
Date of last AGM	31/12/2020
Date of Balance Sheet	31/03/2020
Company Status(for e-filing)	Active
Status under CIRP(if applicable)	Under Corporate Insolvency Resolution Process

4. That further from perusal of the IBBI website, it is confirmed that the Applicant Company has been under CIRP vide order dated 23.09.2021 passed by the NCLT Hyderabad Bench in the matter of M/s. SREI Equipment Finance Limited vs. M/s. Viom Infra Ventures Limited in CP (IB) No. 148/7/HBD/2021.

5. The details appearing on the website of IBBI are reproduced below:

The screenshot displays the 'CORPORATE PROCESSES' section of the IBBI website. The breadcrumb trail is 'Home > Corporate Processes > VIOM INFRA VENTURES LIMITED'. The CIN number is U35203TG2007PLC057400. A sidebar menu lists various corporate processes, with 'Orders' selected. The main content area shows a table of orders:

Order Date	Court/Tribunal	Bench	Subject	Remarks
23-Sep-2021	NCLT	Hyderabad Bench	In the matter of Viom Infra Ventures Limited CP (IB) No. 148-7-HDB-2021	ADMITTED

Below the table is a 'Back' button. At the bottom of the page, there is a copyright notice: 'Copyright © 2018 All Rights Reserved' and a statement: 'This is the Official Website of the Insolvency and Bankruptcy Board of India designed and developed by IBBI & hosted by National Informatics Centre (NIC)'.

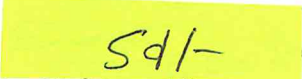
6. That we further observe that the present application has not been contested or authorized to be contested by the IRP of the Applicant Company. Rather, the Applicant Company, which is under CIRP has still been represented through Mr. Rupesh Kumar, authorized by the Ex-management.

7. That the aforesaid fact that the Applicant Company is under CIRP has not been placed on record or informed by the Applicant to this Bench at any stage. Hence, the Authorised Representative of the Applicant Company is directed to file a Show Cause for concealment of this material fact and the reasons why the action under the appropriate provisions of the law be not initiated against them for the lapse. The Registry/Court Officer are directed to issue the Show Cause notice accordingly.

8. Since by virtue of Explanation II of Section 11 of IBC, 2016, the Company which is already under CIRP is allowed to initiate CIR process of another Corporate Debtor, we feel it proper to issue notice to the IRP of the Applicant Company to take necessary steps to pursue, if it wishes to, the present application filed under Section 9 of IBC, 2016.

9. The Registry is, therefore, directed to issue notice to the IRP of the Applicant Company namely, Shri Jitendra Lohia, IBBI Registration No. IBBI/IPA-001/IP-P00170/2017-18/10339, having its address 2/7, Sarat Bose Road, 2nd Floor, Vasundhara Building, Near Hindustan Club, Kolkata, West Bengal – 700020, by mail at his Email ID : jitulohia@knjanico.com.

10. The matter is accordingly **de-reserved**. List the matter on 04.07.2022 before the Regular Bench.

 Sd/- 22
(L. N. Gupta)
Member (T)

 Sd/- 22 ✓
(Abni Ranjan Kumar Sinha)
Member (J)