

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH, COURT II

IA. No. 2631/2021

In
CP(IB)No. 286/MB/2018

*Application filed under section 33(1) of Insolvency and
Bankruptcy Code, 2016.*

Mr. Manoj Kumar Mishra, RP

Monotona Tyres Limited

...Applicant

In the matter of

Sunrise TSR Factory

...Petitioner

V/s

Monotona Tyres Limited

...Corporate Debtor

Order Pronounced on :- 23.06.2023

CORAM:

SHRI SHYAM BABU GAUTAM

HON'BLE MEMBER (T)

SHRI KULDIP KUMAR KAREER

HON'BLE MEMBER (J)

Appearances (through video conferencing)

For the Applicant/RP : Mr. Amir Arsiwala

Mr. Manoj Kumar Mishra, *RP in Person*

ORDER

Per- Shyam Babu Gautam, Member Technical

1. It is an IA filed under section 33(1) of the Insolvency & Bankruptcy Code, 2016 (“**the Code**”) by the Resolution Professional (RP) seeking liquidation order as the applicant has not received resolution plan under sub-section (6) of section 30, before the expiry of the insolvency resolution process period or the maximum period permitted for completion of CIRP by this Tribunal.
2. On perusal of this application, it reveals that this C.P.(IB)-286/MB/2018 was admitted on 30.11.2018 and the Applicant was appointed as IRP. Subsequently, the IRP was appointed as the RP in the Second Meeting of CoC held on 05.02.2019, and the RP performed all the duties as provided in the Code. The RP reconstituted the CoC in accordance with the order passed by this Tribunal.

Advertisement for invitation of Expression of Interest was issued on 08.02.2020 in all India Edition of Business Standard and Tarun Bharat (vernacular language) at Mumbai. In response to this, 4 prospective Resolution Applicant came forward but failed to comply with the conditions of Resolution. The EoI was further extended with certain relaxation and 2 more prospective Resolution Applicants came forward, but they too failed to comply with the basic conditions of Resolution. Further,

an application was filed for the extension of CIRP period which was disposed of by this Tribunal by passing the order that the RP is at liberty to file appropriate application as already 660 days of CIRP period were over.

3. On 29.09.2020, 17th meeting of CoC was held via Video conferencing wherein the Resolution Professional informed the CoC that the Tribunal has not granted any further extension of CIRP. In case of no Resolution Plan, the Liquidation was an automatic route. During the meeting of CoC, one of the Committee of Members Mr. Samir Jindal from Globe Fincap Limited proposed the name of **Mr. Sanjay Mehra** as the Liquidator and the same was agreed by IDFC First Bank. The result on the resolutions proposed by the CoC are as follows:

Sr. No.	Voting	Favour	Against	Abstain
1	<i>RESOLVED THAT in view of no further extension for CIRP granted by the Hon'ble Adjudicating Authority through its order dated 22.09.2020, the CoC hereby approves the application be made under section 33(1) of Code, 2016 by the RP before Hon'ble NCLT.</i>	55.92 <i>(voted through physical mode due to technical issues)</i>	44.08 <i>(voted through online voting)</i>	
2	<i>RESOLVED FURTHER THAT Mr. Sanjay Mehra having</i>	55.92		44.08

	<p>registration number IBBI/ IPA-001/ IP- P01818/2019-20/12784 be and is hereby approved as liquidator for carrying out the liquidation of the CD.</p>			
3	<p>RESOLVED FURTHER THAT below estimated expenses be and is hereby approved during the liquidation process of the Company. Monthly Expenses Security Rs. 1,80,000/- per month. Estimated monthly expenses -others (Subject to actual) Misc. Exp. Rs. 10,000/- Legal Expenses Rs. 15,000/- Travelling Exp/Conveyance Rs. 10,000/- One Time Expenses Advertisement Expenses Rs. 30,000/- Valuation Expenses Rs. 1,20,000/-.</p>	55.92		44.08

4. Looking at the application, averments and the consent from CA Sanjay Mehra to act as a Liquidator, we are of the considered

opinion that this is a fit case for liquidation, therefore, we hereby order for liquidation of the company with directions as follows:

- a. The **CA Sanjay Mehra**, holding Registration **No. IBBI/IPA-001/IP-P01818/2019-2020/12784**, is appointed as the Liquidator in terms of Section 34 of the Code;
- b. Registry is directed to communicate this Order to the Registrar of Companies, Mumbai and to the Insolvency and Bankruptcy Board of India;
- c. The Order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and a fresh Moratorium under Section 33(5) of the Insolvency and Bankruptcy Code shall commence;
- d. This order shall be deemed to be a notice of discharge to the officers, employees and the workmen of the corporate debtor as per Section 33(7) of the Insolvency and Bankruptcy Code, 2016;
- e. 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 and in accordance with the relevant rules and regulations.
- f. The Liquidator shall follow up and continue to investigate the financial affairs of the Corporate Debtor in accordance with provisions of Section 35(1) of the Code.

- g. The liquidator shall also follow up the pending applications for their disposal during the process of liquidation including initiation of steps for recovery of dues of the Corporate Debtor as per law.
- h. The Liquidator shall submit a Preliminary Report to the Adjudicating Authority within seventy-five days from the liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016;
- i. Copy of this order be sent to the financial creditors, the corporate debtor, the Liquidator for taking necessary steps.
5. The **IA-2631/2021** filed by the RP for Liquidation of the Corporate Debtor stands **allowed**.

Sd/-

SHYAM BABU GAUTAM
(MEMBER TECHNICAL)

Sd/-

KULDIP KUMAR KAREER
(MEMBER JUDICIAL)