IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH COURT V

C.P. No. 607/IBC/MB/2021

Under Section 7 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudication Authority) Rule 2016)

In the matter of

Mr. Bhanwarlal Taparia

Having Address at: 301, Saraswati Darshan CHS, Link Road, Bangur Nagar, Goregaon West, Mumbai – 400104

…Financial Creditor

Vs

Raj Arcades & Enclaves Private Limited

C-101, 1st Floor, Ratnakar, Opp. Ekta Bhoomi Classic, Mahavir Nagar, Kandivali (W), Mumbai – 400067

…Corporate Debtor

Order delivered on: 12.07.2022

Coram:

Hon'ble Shri H.V. Subba Rao, Member (Judicial)
Hon'ble Smt. Anuradha Sanjay Bhatia, Member (Technical)

For the Applicant: Mr. Amit Tungare a/w Ms. Jill Rodricks

1. The above Company Petition is filed by *Mr. Bhanwarlal Taparia* hereinafter called as Financial Creditor seeking to initiate of Corporate Insolvency Resolution Process (CIRP) against *Raj Arcades & Enclaves Private Limited* called as Corporate Debtor by invoking the provisions of Section 7 Insolvency and Bankruptcy code (hereinafter called "Code" read with rule 6 of Insolvency & Bankruptcy (Application to Adjudication Authority) Rules, 2016 for a Resolution of an unresolved Financial Debt of Rs. 1,37,25,000/.

2. The Corporate Debtor is already set ex-parte vide order dated 05.05.2022. Heard, Mr. Amit Tungare, Counsel appearing for the Financial Creditor and perused the record. The above Company Petition is a second round of litigation initiated by the Financial Creditor against the Corporate Debtor. The Financial Creditor previously filed C.P. No. 4215 of 2018 before Court No. 1, NCLT, Mumbai which was disposed of on 24.01.2019 in view of consent terms entered into between the parties whereunder the Corporate Debtor agreed to pay a lumpsum amount of Rs. 1,72,00,000/- or a residential flat bearing Flat No. 2202, 22nd Floor, A-Wing, Kalpavrukh Heights situated in Laljipada Link Road, Kandivali, Mumbai, in lieu thereof through the confirming party M/s. Raj Arcade Homes Private Limited. Subsequently the Corporate Debtor failed to adhere to either of the above two conditions as a result of which the Financial Creditor was forced to file the present application. After hearing the submissions and upon perusing the material available on record, this Bench is of the considered opinion that there is a clear admission of debt and default and the debt is within the limitation. Since the Corporate Debtor remained ex-parte, the

claim of the Financial Creditor remained unchallenged. Under the aforesaid circumstances, this Bench has no option except to admit the above Company Petition. Accordingly, the above Company Petition is admitted by passing the following:

ORDER

a. The above Company Petition No. (IB) 607 (MB)/2021 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against Raj Arcades & Enclaves Private Limited

b. Since the Financial Creditor suggest the name of the Interim Resolution Professional (IRP) in the petition, this Bench is hereby appointing **Mr. Anshul Pathania** (anshul.pathania@gmail.com) Insolvency Professional, Registration No: IBBI/IPA-001/IP-P-01529/2019-2020/12461 as the interim resolution professional from the panel furnished by IBBI to carry out the functions as mentioned under the Insolvency & Bankruptcy Code, 2016.

c. The Financial Creditor shall deposit an amount of Rs. 5 Lakhs towards the initial CIRP costs by way of a Demand Draft drawn in favour of the Interim Resolution Professional appointed herein, immediately upon communication of this Order. The IRP shall spend the above amount only for meeting the expenses and not towards his fee till his fee is decided by CoC.

d. That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; 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.

e. 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.
f. 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.
g. That the order of moratorium shall have effect from the date of pronouncement of this order till the completion of the corporate insolvency resolution process 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.
h. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
i. During the CIRP period, the management of the corporate debtor will vest in the IRP/RP. The suspended directors and employees of the corporate debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP/RP.

j. Registry shall send a copy of this order to the Registrar of Companies, Mumbai, for updating the Master Data of the Corporate Debtor.

k. Accordingly, this Petition is admitted.

l. The Registry is hereby directed to communicate this order to both the parties and to IRP immediately.

Sd/-	Sd/-
ANURADHA SANJAY BHATIA	H. V. SUBBA RAO
MEMBER (TECHNICAL)	MEMBER (JUDICIAL)