

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH, CHENNAI**

**MA/738/2019
IN
CP/1469/IB/2018**

Application filed under sections 33(2) of the IBC, 2016

In the matter of M/s. AKR Home Depot Private Limited

Mr. N. Kumar, RP ...Applicant
Resolution Professional
Representing Corporate Debtor
(M/s. AKR Home Depot Private Limited)

Order delivered on: 19.08.2019

CORAM:

**B. S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)
ANIL KUMAR. B, MEMBER (TECHNICAL)**

For the Applicant : *Shri. N. Kumar, RP*

ORDER

Per: B. S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)

Heard and dictated in Open Court on 09.08.2019

It is an MA filed u/s 33(2) of the Insolvency & Bankruptcy Code, 2016 ("the Code") filed by Resolution Professional of M/s. **AKR Home Depot Private Limited** (Corporate Debtor) seeking liquidation order based on the Resolution passed by CoC with 100%

voting on 17.06.2019 suggesting for liquidation of Corporate Debtor Company.

2. On perusal of this Company Application, it appears that this Bench on 04.02.2019 admitted this Company Petition by appointing Mr. N. Kumar as IRP. Thereafter the IRP has issued public announcement on 09.02.2019. In furtherance of the same, on the claims received by the IRP, the claims were collated and aggregated to ₹11.90Crores. Basing on the claims received, CoC was constituted on 08.03.2019.

3. As to appointment of valuers, IRP has stated that he could not find any value because no asset is found in the Company except a third party asset, upon which loan was taken from the sole Financial Creditor namely, Indian Overseas Bank (Asset Recovery Management Branch)

4. Thereafter, CoC meeting was held on 17.06.2019 with the sole Financial Creditor, wherein the CoC passed resolution with 100% voting in favour of proposal for liquidation of the Company. He

has filed this application for approval before this Bench under Section 31 IBC, 2016.

5. Based on the said Resolution, this Applicant has filed this Application for an order of liquidation. In which, as the Bench has noticed that no asset is lying with the Company, there cannot be any chance to revive the company, therefore we are of the considered view that this debtor Company is fit for liquidation.

6. Therefore, we hereby consider that this is a fit case for liquidation and thereby this Application is allowed with directions as follows:-

- a) This Bench hereby orders the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing a public notice stating that the Corporate Debtor is in liquidation with a direction to the liquidator to send this order to ROC with which this company has been registered.
- b) Mr. N. Kumar is hereby appointed to act as Liquidator for the purpose of liquidation of the Corporate Debtor, therefore all powers of the board of directors, Key managerial

personnel and partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be hereby vested in the liquidator. The Personnel of the Corporate Debtor are directed to extend all co-operations to the liquidator as may be required in managing the affairs of the Corporate Debtor. The Insolvency Professional appointed as liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified under regulation 4 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under section 53 of the Code.

- c) Since this liquidation order has been passed, no suit or other legal proceedings shall be instituted by or against the Corporate debtor without prior approval of this Adjudicating Authority save and except as mentioned in sub-section 6 of section 33 of the Code.

- d) This liquidation order shall be deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to extent of the business of the Corporate Debtor is continued during the liquidation process by the Liquidator.
- e) The liquidator is directed to carry the functions of the Liquidator as envisaged under the Insolvency and Bankruptcy Code, 2016 and also Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
- f) Accordingly, this MA/738/2019 filed in CP/1469/IB/2018 is hereby allowed.

-SD-
ANIL KUMAR B
MEMBER (TECHNICAL)

-Sd-
(B. S. V. PRAKASH KUMAR)
Member (Judicial)

GHK/TJS