



NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, MUMBAI BENCH

1. IA/1217(MB)2022  
C.P. (IB)/1170(MB)2019

CORAM:

SMT. ANURADHA SANJAY BHATIA,  
MEMBER (T)

SH. H.V. SUBBA RAO,  
MEMBER (J)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **10.05.2022.**

NAME OF THE PARTIES: Sakharam D Tambolkar  
VS  
Virtue Infra and Entertainment Pvt. Ltd.

SECTION : Sec 7, Sec 33(1) (b) (i) to (iii) r/w Sec 33(3) of IBC 2016

**ORDER**

Mr. Avinash R. Khanolkar, counsel for the Petitioner is present.  
Application allowed. Detailed order would follow. List the main Company  
Petition on 20.07.2022 for filing report.

Sd/-  
ANURADHA SANJAY BHATIA  
Member(Technical)

Sd/-  
H.V. SUBBA RAO  
Member(Judicial)

/P/



**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH, COURT V**

**I.A. 1217 OF 2022**

**IN**

**CP (IB) -1170/I&B/MB/2019**

Under Section 33 (2) and Section 34 (1) of  
the Insolvency & Bankruptcy Code, 2016

Filed by

**CS Anagha Anasingaraju**

Resolution Professional for:

M/s Virtue Infra and Entertainment  
Private Limited

**...Applicant**

In the matter of

**Shri. Sakharam Tambolkar**

**126, Manas, Jyoti Nagar, Aurangabad  
431005, Maharashtra**

**...Financial**

**Creditor/Petitioner**

Versus

**M/s Virtue Infra and Entertainment  
Private Limited**

**Virtue Infra and Entertainment Private  
Limited, 7, Ravikiran, Tilak Nagar,  
Aurangabad-431005, Maharashtra**

**...Corporate Debtor**

**Order delivered on: 10.05.2022**

**Coram:**

Hon'ble Shri H.V. Subba Rao, Member (Judicial)

Hon'ble Smt. Anuradha Sanjay Bhatia, Member (Technical)



**Appearance:**

For the Applicant: Mr. Avinash R Khanolkar, Advocate

1. The above application I.A. No. 1217/2022 is filed by Resolution Professional, CS Anagha Anasingaraju (hereinafter referred to as the “Applicant”) seeking liquidation of M/s Virtue Infra and Entertainment Private Limited (hereinafter referred to as the “Corporate Debtor”) under Section 33(2) of the Insolvency and Bankruptcy Code, 2016 (hereinafter called as “the Code”), praying for following reliefs:

- a. *To pass an order under S. 33(2) to the effect that the Corporate Debtor be liquidated as per provisions of the Code and Regulations thereto,*
- b. *To appoint the Applicant, in view of the written consent furnished, as Liquidator of the Corporate Debtor as per provisions of the S. 34(1) of the Code;*  
*and/or*
- c. *To pass any other order or directions as may be necessary in the interest of equity, justice and Good Conscience.*

2. The brief facts of the application are as follows:

A. The Applicant mentioned that this Tribunal vide its order dated 29.09.2021 in Company Petition (IB) No. 1170 of 2019 admitted the Petition under Section 7 of the Code, filed by Sakharam Tambolkar (hereinafter referred to as the “Financial Creditor”) and Corporate Insolvency Resolution Process (hereinafter referred to as the “CIRP”) was initiated against M/s Virtue Infra and Entertainment Private Limited. CS

Anagha Anasingaraju herein was appointed as the Interim Resolution Professional (hereinafter referred to as the “IRP”) of the Corporate Debtor by this Tribunal vide this Order dated 29.09.2021

- B. On 15.11.2021, in the first meeting of the Committee of Creditors (hereinafter referred to as the “CoC”) the Applicant was appointed as the Resolution Professional which is approved by 100% members voting in favour of the same.
- C. The Counsel for the Applicant states that an advertisement, inviting Expression of Interest (EoI) in Form G was published on 02.12.2021 in Indian Express (Mumbai Edition), Loksatta and Divya Marathi (Aurangabad Edition), respectively, 19.12.2021 being the last date for receipt of Expression of Interest which was respectively extended till 11.01.2022 and last date of submission of Resolution Plan was 04.02.2022. Thereafter, only 1 Resolution Plan was received by the Applicant which was from one Shri. Shakil Ahmed Siddiqui, Waluj, Aurangabad till the last date of submission of the Resolution Plan.
- D. The Applicant examined the EOI and opined that some more time was required from the Resolution Applicant and the same was received on 20.01.2022.
- E. Shri Siddiqui was declared as the Potential Resolution Applicant and provisional list of the Potential Resolution Applicant was circulated by the Applicant on 21.01.2022 to COC and final list of the PRA was circulated on 31.01.2022 to the COC. The PRA asked to submit its Resolution Plan by 26.02.2022, however till the scheduled date of submission of the Resolution Plan the Applicant did not received the plan. However, Applicant received the communication from the PRA



on 25.02.2022 seeking an extension of 45 days for submitting the resolution plan.

- F. The request relating to the extension of 45 days was put before the COC and the COC in its 6<sup>th</sup> meeting which was held on 28.02.2022, since the statutory period of 180 days of the CIRP would end on 27.03.2022, the COC rejected the request for the 45 days extension. However, for the sake of the revival of the Corporate Debtor, the Corporate Debtor decided to extend the last date of submission of Resolution Plan till 09.03.2022, at 6 p.m., however, the Potential Resolution Applicant has failed to submit any effective Resolution Plan till the extended time.
- G. The COC in its 7<sup>th</sup> meeting held on 10.03.2022, opined that sufficient opportunity had been granted to the Resolution Applicant to submit the Resolution Plan. The CoC noted that the date of completion of CIRP is 27.03.2022, the Corporate Debtor is not a going concern and carrying no business. The COC member then informed that since the only asset in the Company is the piece of land and it is possible to sell the land in the course of the liquidation. The relevant portion of the Resolution is reproduced as below:

**RESOLVED THAT** pursuant to the provisions of Section 33(2) of the Insolvency and Bankruptcy Code 2016, the Corporate Debtor, Virtue Infra and Entertainment Private Limited, be liquidated **AND THAT** the Resolution Professional be and is hereby authorized to inform this decision of the Committee of Creditors to the Hon'ble NCLT Mumbai Bench by filing appropriate application for necessary orders.”



*The result of the voting was as follows:*

<b>Yes (%)</b>	<b>No/Abstained (%)</b>	<b>Total</b>
100%	None	100%

H. The COC after obtaining the written consent from the Applicant to act as the Liquidator and also resolved to appoint the Applicant as Liquidator of the Corporate Debtor.

3. Heard the counsel appearing for the Resolution Professional and perused the record. The counsel for the RP submits that no Resolution Plan has been received and there is no option except to put the Corporate Debtor Company into Liquidation as per the Code as well as also to protect the asset of the Corporate Debtor from further deterioration. The counsel appearing for the Applicant also filed consent letter to act as the liquidator. In view of the above facts, this Bench feels that this is a fit case for ordering Liquidation of the Corporate Debtor. Accordingly, the Interlocutory Application Number 1217 of 2022 is allowed directing Liquidation of the Corporate Debtor. Accordingly, we pass the following:

### **ORDER**

1. The above I.A. No. 1217/2022 is allowed and the Corporate Debtor M/s Virtue Infra and Entertainment Private Limited is ordered to be liquidated.
  - a. **Mr. Anagha Anasingaraju**, having Registration No. IBBI/IPA-002/IP-N00247/2017-18/10732 and having



office at: Kanjmag & Co, 1-2 Aishwarya Sankul, G.A. kulkarni Path, Pune, Maharashtra, 411038 is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.

- b. That the Liquidator for conduct of the liquidation proceedings would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016.
- c. The Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
- d. The Liquidator appointed under section 34(1) of the Code. Will have all powers of the board of directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the liquidator.
- e. That the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the ROC under which this Company has been registered.
- f. All the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter



ceased to exist. All these powers henceforth vest with the Liquidator.

- g. That the personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
- h. That on having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suit or other legal proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority.
- i. This liquidation order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

With the above directions, this application i.e. I.A. No. 1217 of 2022 is hereby allowed and disposed of.

SD/-

**Anuradha Sanjay Bhatia**  
**MEMBER (TECHNICAL)**

SD/-

**H.V. Subba Rao**  
**MEMBER (JUDICIAL)**