



IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH - V

C.P. (I.B) No. 108/MB/2023

Under Section 9 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudication Authority) Rules 2016)

In the matter of

Uniled Technologies India Private Limited

Having registered office at:
1/1st Floor,31st Road,235 b Building, TPS III, Bandra, Mumbai 400 050

.....Petitioner/Operational Creditor

Vs

Resilient Technosolutions Private Limited

Having its registered office at:
Flat No 2502, Pelican Building, Skylark Enclave, Hira Nandani Estate Near Cardinal Thane(M.Crop), Thane 400 607

.....Corporate Debtor

Order dated :13.08.2024

Coram:

Ms. Reeta Kohli, Hon'ble Member (Judicial)

Ms. Madhu Sinha, Hon'ble Member(Technical)

Appearances:

For the Petitioner/Operational Creditor: Advocate Haris A Khan I/B Ajinkya Kurdukar(VC)

For the Respondent/Corporate Debtor: None Present



ORDER

Per: Reeta Kohli Member (Judicial)


This Company Petition is filed by s**Uniled Technologies India Private Limited** (hereinafter referred as “**the Petitioner/Operational Creditor**”) seeking to initiate Corporate Insolvency Resolution Process (hereinafter referred as “**CIRP**”) against **Resilient Technosolutions Private Limited** (hereinafter called “**Corporate Debtor**”) by invoking the provisions of **Section 9** of the Insolvency and Bankruptcy Code, 2016 (hereinafter called “**the Code**”) read with Rule 6 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for committing default in payment of an Operational Debt of **Rs. 1,52,58,764/- (Principal Amount)**.

The Corporate Debtor was incorporated on June 17 2016. Its Corporate Identity Number (CIN) is U74999MH2016PTC282506. Its registered office is at Flat No. 2502, Pelican Building, Skylark Enclave Hira Nnadani Estate Near Cardinal, ThaNE (M. Crop) Thane 400 607. Therefore, this Bench has jurisdiction to entertain and decide the Petition.

The Authorised Share Capital of Corporate Debtor is Rs 1,00,000/- (Rupees One Lakh Only) and Paid up share capital is Rs 1,00,000/- (Rupees One Lakh Only).

BRIEF FACTS AND SUBMISSION BY THE OPERATIONAL CREDITOR:

1. The Operational Creditor supplied goods of specified quantities (i.e. 650 No, 202 No, 86 No.) to the Corporate Debtor, as detailed in Invoice No. 27INV/3/4/2021 dated March 30, 2021. This transaction took place during the normal course of business between the Operational Creditor and the Corporate Debtor. Following the delivery of these goods, the Operational Creditor



issued the aforementioned invoice, demanding payment for the outstanding amount due for the goods supplied.

2. The Operational Creditor asserted that the Corporate Debtor has persistently failed to settle the outstanding amount due, despite multiple reminders and the issuance of a demand notice (Form 3). The Corporate Debtor has neglected to pay the dues specified in Invoice No. 27INV/3/4/2021 dated March 30, 2021.

FINDINGS AND CONCLUSION:

3. At the very outset, we mention that the Corporate Debtor neither represented himself either in person or through an advocate nor filed any reply to this Petition even though it had been served with the Court Notice on 10.03.2023. The service of the Court Notice is substantiated by the Track Report available on record of this Hon'ble Tribunal. Hence, in view of the peculiar facts of the case the Bench decided to proceed against the Corporate Debtor ex-parte vide its Daily Order dated 09.06.2023.
4. On close perusal of the Submissions and Pleadings of the Operational Creditor, and particularly in light of the Invoice dated 30.03.2021 issued by the Operational Creditor, the existence of debt clearly stands established.
5. The Operational Creditor issued a Demand Notice (Form 3) dated 3rd January 2023, to the Corporate Debtor for an amount of Rs. 1,52,58,764 /- (Rupees One Crore Fifty-Two Lakhs Fifty-Eight Thousand Seven Hundred and Sixty-Four only) against the Invoice raised for the Purchase of goods under the provision of the Insolvency and Bankruptcy Code, 2016.
6. Since there is no reply filed by the Corporate Debtor to the Demand Notice dated 03.01.2023, the question of existence of any pre-existing dispute does not arise.



-
7. The date of default mentioned in the Petition is 30.3.2021 and the present petition is filed on 03.02.2023. This Hon'ble Tribunal is of the view that the present petition has been filed well within limitation and is also within the pecuniary, subject-matter and territorial jurisdiction of this Hon'ble Tribunal.
8. In light of the above findings it can be clearly established that all the mandatory ingredients of Section 9 of the Code have been fully satisfied and hence we are of the considered view that this present petition deserves to be **admitted**.
9. Consequently, the petition is ordered to be admitted in the following terms:
- a. The above Company Petition No.108/IBC/MB/2023 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against **Resilient Technosolutions Private Limited**.
 - b. **Sanjay Ramdas Mahajan** having registration No. **IBBI/IPA-001/IP-P-02122/2021-2022/13523**, having address at Flat no 3, 3rd Floor, Mohanlal Mansion, Bhandarkar Road, Matunga Central Mumbai On Maheshwari Udyan Circle, Mumbai City Maharashtra 400019 is hereby appointed as Interim Resolution Professional to conduct the Insolvency Resolution Process as mentioned under the Insolvency & Bankruptcy Code, 2016.
 - c. The Petitioner shall deposit an amount of Rs. **2 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 towards expenses and not towards fee till his fee is decided by CoC.
 - d. That this Bench hereby declare moratorium in terms of Section 14 of Insolvency and Bankruptcy Code, 2016 prohibiting 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 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.
- f.** 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.
- g.** 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.
- 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 board of directors of the



Corporate Debtor shall stand suspended. The members of the suspended board of directors and the 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, C.P. No. 108/IBC/MB/2023 is **Admitted**.

Sd/-

Madhu Sinha
Member (Technical)

/Priyanka/

Sd/-

Reeta Kohli
Member (Judicial)