

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, C-II**

**MA 3992/MB/C-II/2019**

**AND**

**IA 154/MB/C-II/2020**

**IN**

**CP (IB) 190/MB/C-II/2018**

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

*In the Application of*

**MA 3818/MB/C-II/2019**

**Dr. Hiten Parekh**

D-511, 5<sup>th</sup> Floor, Kanakia Zillion,  
Junction of LBS Road and CST  
Road, BKC Annexe, Kurla (West),  
Mumbai 400070.

**...Applicant/ Resolution  
Professional**

*In the Application of*

**IA 154/MB/C-II/2020**

**Bank of India**

**...Financial Creditor/ Applicant**

Versus

**Dr. Hiten Parekh**

**...Resolution  
Professional/ Respondent**



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MUMBAI BENCH C-II

MA 3992 of 2019 and IA 154 of 2020 In CP (IB) 190/MB/C-II/2018

*In the matter of*

**Bank of India**

**...Financial Creditor**

Versus

**Shrenuj & Company Limited**

**...Corporate Debtor**

**Order Delivered on 12.07.2021**

**Coram:**

Hon'ble Member (Judicial) : Mr. Ashok Kumar Bohar

Hon'ble Member (Technical) : Mr. Shyam Babu Gautam

**Appearances:**

For the Applicant in MA 3992 of 2019 : Mr. Harshad Vyas, Advocate i/b  
MDP and Partners.

For the Applicant in IA 154 of 2020 : Ms. Ami Jain, Advocate

**ORDER**

**Per: Shyam Babu Gautam, Member**

1. The present application is moved by Resolution Professional **Dr. Hiten Parekh** (hereinafter called as "the Applicant") Under **Section 33 of Insolvency and Bankruptcy Code, 2016** seeking **direction of the Liquidation Process of the Corporate Debtor** of the Corporate Debtor **Shrenuj & Company Limited** (hereinafter called as the "Corporate Debtor") and for passing



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order/appropriate direction that this Tribunal may deem fit in the present matter.

**BRIEF FACTS OF THE CASE:**

2. This Tribunal admitted the Application for initiation of Corporate Insolvency Resolution Process (hereinafter referred to as the said "**Code**"), by an Order dated 12<sup>th</sup> March 2019, (hereinafter referred to as "**Admission Order**").
3. Subsequently, in the 1<sup>st</sup> meeting of the Committee of Creditors (hereinafter referred to as the "**CoC**") held on 24<sup>th</sup> April, 2019, resolved to appoint the Applicant as the Resolution Professional of the Corporate Debtor which appointment was confirmed.
4. It is submitted that as required under Section 25 (2) (h) of the Code and with the approval of CoC, the Applicant has published form-G on 1<sup>st</sup> June 2019 in Financial Express (English) and Navrashtra (vernacular language- Marathi) newspapers and also on the website of the Corporate Debtor, inviting Expression of Interest ("EOI") from Prospective Resolution Applicants ("PRA") wherein it had been stipulated that the last date to submit an EOI was 17<sup>th</sup> June 2019 and the last date to file Resolution Plan was 1<sup>st</sup> August 2019.



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5. Thereafter, pursuant to the approval of the CoC, the last date to submit EOI and Resolution Plans by PRAs was extended to 25<sup>th</sup> July 2019 and 26<sup>th</sup> August 2019, respectively through Extended Form G published on 10<sup>th</sup> July 2019 published in Financial Express (English) and Navrashtra (Vernacular Language-Marathi) newspapers.
6. The Applicant states that it had received only one EOI from M/s M. Suresh and Co. on 25<sup>th</sup> July 2019. However, M/s M. Suresh and Co.- the Prospective Resolution Applicant ("PRA") did not submit any resolution plan till last date of submission of Resolution Plan i.e. 26<sup>th</sup> August 2019 but vide email dated 26<sup>th</sup> August 2019 and requested for a further period of three weeks for submission of Resolution Plan. Request of PRA was put forward before CoC members. In view of the request from PRA, the CoC Members in its 5<sup>th</sup> meeting held on 6<sup>th</sup> September 2019 decided to apply for extension of CIRP period by 90 days, as 180 days of CIRP period was expiring on 08<sup>th</sup> September 2019.
7. Vide an order dated 17<sup>th</sup> September 2019, this Hon'ble Tribunal was pleased to extend the CIRP period by 90 days from 9<sup>th</sup> September 2019, hence, the 270 days period expires on 07<sup>th</sup> September 2019.



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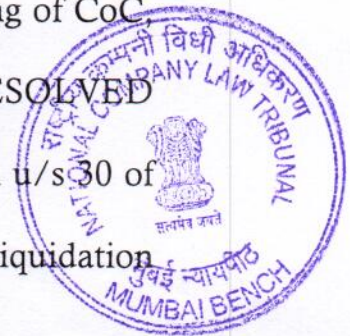
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December 2019.

8. The Applicant submits that during the Corporate Insolvency Resolution Process of the Corporate Debtor, the following meetings of the CoC were held on: -

<u>Sr. No.</u>	<u>Date of Meeting</u>
1.	April 24 <sup>th</sup> , 2019
2.	May 27 <sup>th</sup> , 2019
3.	July 08 <sup>th</sup> , 2019
4.	August 09 <sup>th</sup> , 2019
5.	September 06 <sup>th</sup> , 2019
6.	November 04 <sup>th</sup> , 2019

9. The applicant submits no resolution plan was received until the 6<sup>th</sup> CoC meeting held on 4<sup>th</sup> November wherein it was resolved by the CoC to file for Liquidation of the Corporate Debtor. The Applicant therefore submits that during the 6<sup>th</sup> meeting of CoC held on 4<sup>th</sup> November 2019, it was inter alia "RESOLVED THAT" in view of non-receipt of any resolution plan u/s 30 of IBC, 2016, it is hereby approved to initiate liquidation.



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proceedings against Corporate Debtor was approved by a majority of 74.25% of the CoC members.

10. The Applicant is willing to continue as the Liquidator and his written consent is annexed hereto and marked as "Annexure-8".
11. Thereafter being lead Bank, Bank of India/Financial Creditor in the matter filed IA 154 of 2020 for appointment/replacement of Liquidator.
12. It is further submitted that while RP had conveyed to CoC that he would not be interested to act as liquidator, he has consented to act as a liquidator. The erstwhile CoC and now the Joint Lender (JLM) forum has difference of opinion with said RP as he refused to take possession of the diamond stock/inventory and certain other matters on one or other excuses and therefore JLM has unanimously resolved to replace him as a liquidator at its meeting held on 18.12.2019.
13. In addition to the above, Mr. Brijendra Kumar Mishra has also provided his written consent to act as the Liquidator in the Liquidation process of the Corporate Debtor.
14. The Applicant submits that the objective of the IBC is to ensure maximization of the Corporate Debtor's value for all the



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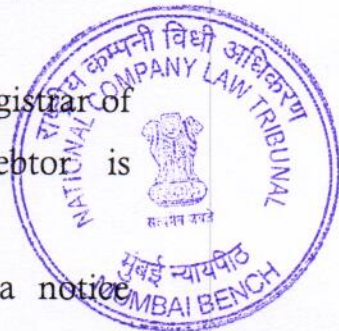
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stakeholders. The Corporate Debtor's value will be further eroded due if steps are not taken for liquidation of its liquid assets. Therefore, the Applicant submits that it will be beneficial for all the stakeholders if the Corporate Debtor is liquidated. The Applicant further submits that the instant Application is made bona fide and for meeting ends of justice. Also timelines of Resolution long passed.

15. Considering above facts and circumstances, this Bench hereby Orders that:

- i. The Process of Liquidation of the Corporate Debtor '**Shrenuj & Company Limited**' shall commence as per the Chapter III of the I&B Code from date of this Order.
- ii. **Mr. Brijendra Kumar Mishra, having IBBI Registration No: IBBI/IPA-002/IP-N00109/2017-18/10257** is hereby appointed as a "Liquidator" as per the provisions of Sec. 33 of the I&B Code.
- iii. The Liquidator shall advertise in two Newspapers, one in English language and one in Regional Language about the Liquidation of the Corporate Debtor as per the provisions of the I&B Code.
- iv. Copy of this Order shall be forwarded to the Registrar of Companies with which the Corporate Debtor is Registered.

16. This order for liquidation shall be deemed to be a notice



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of discharge to the officers, employees and workmen of the corporate debtor, except when the business of the corporate debtor is continued during the liquidation process by the liquidator.

17. The fees payable to the Liquidator shall be in accordance with Regulation 4 of the IBBI (Liquidation Process) Regulations, 2016.
18. The Liquidator shall submit progress reports as per Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016.
19. The Liquidator is at liberty to seek any directions, if need be, from this Adjudicating Authority during the Liquidation Process.
20. The Liquidator is hereby Authorized to represent the Corporate Debtor before the Government Authorities, if need be.
21. Ordered Accordingly. Application for U/s. 33 (1) (a) is Allowed and with the aforesaid observation the present MA No. 3992 of 2019 and IA 154 of 2020 is stand disposed of.



Sd/-  
**SHYAM BABU GAUTAM**  
MEMBER (TECHNICAL)  
12.07.2021  
SAM

Sd/-  
**ASHOK KUMAR BORAH**  
MEMBER (JUDICIAL)

Certified True Copy  
Copy Issued "free of cost"  
On 06/10/2021

*Sachin Kumar*  
Deputy Registrar  
06/10/2021