



NATIONAL COMPANY LAW TRIBUNAL
COURT ROOM NO. 1,
MUMBAI BENCH

Item No. 29

IA(IBC)(LIQ.)/ 26(MB)2025 IN C.P. (IB)/4372(MB)2019

CORAM:

SH. PRABHAT KUMAR JUSTICE VIRENDRASINGH BISHT (Retd.)
HON'BLE MEMBER (TECHNICAL) HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **28.05.2025**

NAME OF THE PARTIES: **E COMPLEX PVT LTD VS DOJAHAN**
TRADING PVT LTD

Section 9, 33(1) (b) (i) to (iii) r/w Sec 33(3) of Insolvency and Bankruptcy Code,
2016

ORDER

1. Ms. Mily Ghoshal a/w Ms. Shweta Thanekar, Ld. Counsel for the Applicant present.
2. This is application seeking liquidation of the Corporate Debtor on account of non-receipt of Resolution Plan. The CoC has passed a Resolution in its meeting held on 11.12.2023 asking Applicant Resolution Professional to file an application seeking liquidation of the Corporate Debtor in terms of section 33(a) of the Code. The copy of Resolution is placed on record and the said Resolution has been passed by CoC with 100% vote.
3. The Section 33(1)(a) of Insolvency and Bankruptcy Code 2016 provides that Where the Adjudicating Authority before the expiry of the Insolvency Resolution Process period or the maximum period permitted for



completion of the corporate Insolvency Resolution Process under Section 12 or the fast track corporate Insolvency Resolution Process under Section 56, as the case may be, does not receive a Resolution Plan under sub-section (6) of section 30, it shall pass an order requiring the Corporate Debtor to be liquidated in the manner as laid down in this Chapter.

4. In the present case no Resolution Plan has been received and CoC has also passed a Resolution by requisite majority asking the Applicant herein to file an application for liquidation of the Corporate Debtor. Accordingly, this Authority has left with no option except to pass an order for liquidation of the Company in the manner laid down in Chapter III of the Code considering the fact there is no Resolution Plan for consideration and CoC does not foresee any possibility of getting Plans in another round also. Hence ordered. Accordingly, we pass following order:

- a) The Application be and the same is allowed. The Corporate Debtor, **M/s Dojahan Trading Private Limited**, shall be liquidated in the manner as laid down in Chapter-III of the Code.
- b) **Mr. Ritesh Prakash Adatiya** having Registration No. **IBBI/IPE-0040/IPA-2/2022-23/50021** is appointed as Liquidator of **M/s Dojahan Trading Private Limited**.
- c) 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.



- d) The Moratorium declared under Section 14 of the IBC 2016 shall cease to operate here from.
- e) Liquidator shall issue public announcement stating that Corporate Debtor is in liquidation.
- f) The Liquidator shall endeavour to sale the Company as a going concern during the liquidation in terms of Regulation 32A of the Liquidation Process Regulations. In case he is not able to do so within a period of 90 days from this date, he shall proceed in accordance with clauses (a) to (d) of Regulation 32 of the Liquidation Process Regulations.
- g) Subject to Section 52 of the Code no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- h) All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
- i) The Liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code read with the Liquidation Process Regulations.



- j) Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
 - k) This Order shall be deemed to be a notice 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.
 - l) The Liquidator shall submit progress reports as per Regulation 15 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
 - m) The Liquidator is hereby Authorized to represent the Corporate Debtor before the Government Authorities, if need be.
 - n) Registry shall furnish a copy of this Order to the **Insolvency and Bankruptcy Board of India, New Delhi; Regional Director (Western Region), Ministry of Corporate Affairs; Registrar of Companies & Official Liquidator, Maharashtra; the Registered Office of the Corporate Debtor;** and the Liquidator, **Mr. Ritesh Prakash Adatiya**, having E-mail ID - cirp.dojahan@gmail.com.
5. With the aforesaid observations and directions, the Interlocutory Application bearing **IA No. 26 of 2025**, stands disposed of as Allowed.
6. There would however be no order as to costs. Ordered Accordingly.



7. The Resolution Professional must be conscious about the timeline and must ensure that in future such kind of application either for seeking extension or liquidation should be filed immediately upon the decision having been taken by the CoC.
8. In view of above, the IA 26 of 2025 is **allowed** and **disposed of**.

Sd/-

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

**JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)**

Shubham Bide