

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
CUTTACK BENCH  
CUTTACK**

**I.A. (IB) No.226 /CB/2022**

**In**

**T.P. No. 115/CTB/2019**

**(Formerly C.P No. 187/MB/2018)**

***In the Matter of:***

Application Under Section 33(1) (2) & 34 (1) of the Insolvency and Bankruptcy Code, 2016 for an order of liquidation against the corporate debtor.

***In the Matter of:***

**ANIL KUMAR AGARWAL**, Resolution Professional for corporate debtor  
M/s. Mcchem-Anagen Energies & Infratech Private Limited

**...Applicant**

**-In-**

***In the Matter of:***

**KASA ANLAGEN INDIA PVT. LTD,**

**...Operational Creditor**

**MCHEM- ANLAGEN ENERGIES & INFRATECH PVT. LTD,**

**...Corporate Debtor**

***Appearances (through video conferencing)***

For the Applicant : Mr. Saswat Kumar Acharya,Adv.

**Order reserved on: 27.08.2022**

**Order pronounced on: 14.09.2022**

Coram:

Shri P. Mohan Raj	:	Member (Judicial)
Shri Satya Ranjan Prasad	:	Member (Technical)

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**ORDER**

*Per P. Mohan Raj, Member, (Judicial)*

1. This Application has been filed by, Mr. Anil Kumar Agrawal Resolution Professional of corporate debtor M/s Mcchem-Anlagen Energies & Infratech Private Limited. The Corporate Insolvency Resolution Process (CIRP) against the corporate debtor under Section 9 of IBC 2016 was admitted by this Adjudicating Authority on 06.04.2022. The applicant was appointed as an Interim Resolution Professional, subsequently, the applicant was appointed as Resolution Professional in the first COC meeting held on 29.04.2022. The appeal preferred against the admission of corporate debtor into CIRP dated 06.04.2022 preferred by the corporate debtor in Company Appeal (AT)(Insolvency)No.624 of 2022 also dismissed by the Hon'ble NCLAT on 02.06.2022.

2. In pursuance of CIRP order the IRP effected public announcement in English daily Times of India and vernacular daily Dainik Bhaskar both on 11.04.2022. In response to the said newspaper publications no claims have been received. The COC was constituted with sole member the operational creditor on 23.04.2022.

3. The Applicant visited the registered and industrial premises of the corporate debtor on 19.04.2022 & 23.04.2022 at 16/22.Uttar Gangotri Commercial complex, Supela, Bhillai, Chattisgarh-490 023 and plot No.36, Borai Industrial

Growth Village Rasmada, District Durg, Chhattisgarh. The office premises was closed, no operational or manufacturing activities were carried out. The suspended directors of the corporate debtor did not co-operated with the applicant hence petition under section 19 (2) is filed in I.A. (IB) No.193/CB/2022 the said application is pending.

4. The registered valuers were appointed on 26.05.2022. The average liquidation value of corporate debtor is arrived at Rs.51,53,719/- After the approval of COC in second meeting held on 07.06.2022 the Applicant called for Expression of Interest (EOI). Form G was published on 11.06.2022 in English daily Times of India and vernacular daily Danik Bhaskar. In response to the said publication no EOI was received. The Industrial premises at Plot No.36, Borai Industrial Growth taken on lease from CSIDC and the lease was already cancelled by CSIDC for non-payment of rents.

5. The applicant received claims of Rs.31,530/- (Rupees Thirty-One Thousand Five Hundred Thirty Only) from Income Tax Department and Rs.1,07,457/- from CSIDC both the claims are admitted and COC was reconstituted with inclusion of Income Tax Department and CSIDC. In the 3<sup>rd</sup> COC meeting held on 14.07.2022 it was approved to file Liquidation application and appoint the applicant as Liquidator. The applicant also filed his consent to act as Liquidator. The COC also approved a sum of Rs.5,49,530/- as estimated liquidation expenses. The corporate debtor is not a going concern.

6. The applicant RP filed this application for liquidation before the expiry of CIRP period of 180 days because of non-receipt any of resolution plan, hence as provided under section 33(1) IBC 2016 the liquidation to be ordered. The corporate debtor is not a going concern. All the COC members in the 3<sup>rd</sup> meeting held on 14.07.2022 approved for filing of this application for liquidation. In the circumstances the request of the applicant is conceded.

7. In the result the M/S Macchem-Anagen Energies & Infratech Private Limited, corporate debtor is ordered to be liquidated. The applicant Mr. Anil Kumar Agrawal, Resolution Professional of corporate debtor, has given written consent to act as liquidator hence the resolution professional Mr. Anil Kumar Agrawal with registration number IBBI/IBA-001/IP-P02461/2021-22/13779, having office at Mahavir Gaushala Complex, first floor, K.K. Road, Moudhapara, Raipur, (C.G) is appointed as liquidator of corporate debtor

8. The Liquidator is directed to forthwith take into his custody all the assets, Properties, and actionable claims of the corporate debtor and take necessary steps to ensure preservation, protection security and maintenance of those properties as provided under section 35(1)(b) & (d) of IBC 2016.

9. The Liquidator is directed to adhere to Section 33(1) (ii) & (iii) and discharge his powers and duties as specified under Section 35 to 41 of IBC,2016 and meticulously adhere to the Rules and Regulations issued by IBBI in this regard from time to time.

10. Public Notice as contemplated under section 33(1) of the Code shall be issued in one morning, English daily and in one morning regional language newspapers.

11. All the powers of the Board of Directors of the Corporate Debtor and of its key managerial personnel, shall cease to exist in accordance with section 34(2) of the Code. These powers shall henceforth vest in the Liquidator. The personnel of the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as may be required by him in the Liquidation process of the Corporate Debtor.

12. On initiation of the Liquidation process but 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 a suit or other legal proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority, as provided in section 33(5) of the Code read with its proviso.

13. In accordance with section 33(7) of the Code, this liquidation order shall be deemed to be a notice of discharge to the officers, employees and work men of the Corporate Debtor, except to the extent of the business of the Corporate Debtor continued during the liquidation process by the liquidator.

14. In terms of Section 33(1) (b) (iii), the Liquidator shall file a copy of this Order with the Registrar of Companies, Orissa at Cuttack, within whose jurisdiction the Corporate Debtor is registered.

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15. The fee of Liquidator to be determined as provided under Regulation 4 of Insolvency and Bankruptcy Board of India (Liquidation process) Regulation 2016.

16. As per Regulation 13 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation,2016, the liquidator shall submit a preliminary report to the Adjudicating Authority within 75 days from the liquidation commencement date providing various details/information as mentioned in the said regulation.

17. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps,

18. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

SATYARANJAN PRASAD

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**Satya Ranjan Prasad**  
**Member (Technical)**

PANDIAN MOHAN RAJ

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MOHAN RAJ  
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**P. Mohan Raj.**  
**Member (Judicial)**

Signed on this 14<sup>th</sup> day of September, 2022.

*Supriya-p.s*