

**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH-II, CHENNAI**

IA/359/IB/2020 IN IBA/877/2019 filed  
under Sections 12 and 60 of the  
Insolvency and Bankruptcy Code,  
2016.

**In the matter of M/s. Core Indo Ispat Private Limited**

**Mr. Ramachandran Subramaniam**  
Resolution Professional of  
M/s. Core Indo Ispat Private Limited  
No. 29, Raju Naicken Street,  
West Mambalam, Chennai-600033

... Applicant/Resolution Professional

CORAM:

**R.SUCHARITHA, MEMBER (JUDICIAL)**  
**B. ANIL KUMAR, MEMBER (TECHNICAL)**


For Applicant : *Shri. S. Venkatesan, Advocate*

**ORDER**

**Per: R. SUCHARITHA, MEMBER (JUDICIAL)**

**Order Pronounced on: 05.05.2021**

The above application has been preferred by the Resolution Professional under sections 12 and 60 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "IBC, 2016") seeking for the following relief:-



- (a) *That the Hon'ble Tribunal may be pleased to extend the time period of the CIRP of the Corporate Debtor by a period of 90 days effective 30.03.2020 in view of the same having been approved by the COC of the Corporate Debtor at meeting held on 09.03.2020; and*
- (b) *Pass such other order or orders as this Hon'ble Tribunal may deem fit.*

2. It is averred in the application that the Corporate Insolvency Resolution Process (CIRP) was initiated against the Corporate Debtor vide order dated 04.10.2019 and appointed this Applicant as Interim Resolution Professional. Thereafter, the Applicant was subsequently appointed as the "Resolution Professional" in the 1<sup>st</sup> COC Meeting held on 02.11.2019.

3. It is averred in the application that the CIR Process commenced vide Order dated 04.10.2019, would have ordinarily expired on 31.03.2020(180 days). In view of the same, at the 4<sup>th</sup> CoC meeting dated 09.03.2020, the members discussed the extension of the CIRP of the Corporate Debtor with 100% voted in favour of extending the CIRP for another 90 days from 31.03.2020. Thereafter, this application has been filed on 11.03.2020, before the CIRP period, came to an end.



4. It is further averred that this matter came before the Adjudging Authority on 05.02.2021 posted for hearing on 25.02.2021. On 25.02.2021 due to paucity of time, this matter was adjourned to 10.03.2021. On 10.03.2021, the learned counsel for Applicant submitted that this application is filed seeking a direction of CIRP period 90 days, this Bench directed to the applicant to file Additional Affidavit indicating that sequence of events taken place till that date. On 05.04.2021, the learned counsel for the Applicant submitted that no resolution plan is pending for approval. Since period of 330 days for CIRP was completed, no progress has been made towards the resolution process, no Resolution Plan was pending for approval by COC.

5. Based on the direction of this Bench, the learned counsel for the Applicant has filed additional Affidavit on 01.04.2021 vide SR No. 1786 submitted that the COC in its last meeting dated 28.10.2020 was appraised about the facts and it had directed the Applicant to seek this Tribunal for early disposal of present application filed



under section 12 of the Code, 2016, so as to enable the COC to pass suitable resolution for Liquidation of the Corporate Debtor with the Applicant RP to continue as Liquidator.

6. Heard the Counsel for the Applicant and perused the records placed on file. As per the facts of the present case, there is no resolution for Liquidation of the Corporate Debtor. As per section 33(1) of the IBC, 2016 which contemplates that if the maximum period permitted for completion of the CIRP has expired then this Tribunal has to order for the liquidation of the Corporate Debtor. Since this Tribunal has not granted the extension of the CIRP beyond the stipulated period of 180 days, as per operation of Section 33(1) of the IBC, 2016, the Corporate Debtor should be ordered for liquidation. Section 33(1) of the IBC, 2016 is extracted hereunder;

33. (1) Where the Adjudicating Authority, —

(a) 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; or

(b) rejects the resolution plan under section 31 for the non-compliance of the requirements specified therein, it shall—

(i) pass an order requiring the corporate debtor to be liquidated in the manner as laid down in this Chapter;

(ii) issue a public announcement stating that the corporate debtor is in liquidation; and

(iii) require such order to be sent to the authority with which the corporate debtor is registered.

7. The Resolution Professional expressed his willingness to continue as the liquidator and also a perusal of the same discloses the fact that the Resolution Professional is willing to act as the Liquidator of the Corporate Debtor, if appointed by this Tribunal. In the circumstances, **Mr. Ramachandran Subramaniam**, having Reg. No IBBI/IPA-001/IP-P001440/2018-2019/12136 is appointed as the Liquidator of the Corporate Debtor to carry out the liquidation process subject to the following terms of the directions.

- a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and regulations including Insolvency and Bankruptcy

(Liquidation Process) Regulations, 2017 as amended upto date enjoined upon him.

- b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.
- c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences in light of the forensic audit report recently as well as his own investigation and file suitable application before this Adjudicating Authority.
- d) The Registry is directed to communicate this order to the Registrar of Companies, Chennai and to the Insolvency and Bankruptcy Board of India;
- e) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income



Tax Department. In relation to other fiscal and regulatory authority which governs the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.

- f) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and that a fresh Moratorium under section 33(5) of the Insolvency and Bankruptcy Code shall commence.
- g) The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.
- h) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section – 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.
- i) The Liquidator shall submit a Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per regulation 13 of the Insolvency and Bankruptcy (Liquidation Process)



Regulations, 2016. Further such other or further report as are required to be filed under the relevant Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.

- j) Copy of this order be sent to the financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary co-operation in relation to the Liquidation process of the Corporate Debtor, viz., and company-in-liquidation.

8. Thus, this IA/359/2020 stands **disposed of** with the aforesaid terms.

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**(ANIL KUMAR B)**  
MEMBER (TECHNICAL)

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**(R. SUCHARITHA)**  
MEMBER (JUDICIAL)

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