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**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI
IA/959/CHE/2022 in IBA/834/2020**

(Filed under Sec. 54 of the Insolvency & Bankruptcy Code, 2016 read with Regulation 14 of the IBBI (Liquidation Process) Regulations, 2016 and Rule 11 of NCLT Rules, 2016)

IN THE MATTER OF:

THARUVAI RAMACHANDRAN RAVICHANDRAN
LIQUIDATOR
SOUTHERN FUEL LIMITED
G3, BLOCK 2, SHIVANI APARTMENTS,
40, EAST COAST ROAD,
THIRUVANMIYUR – 600 041

... Applicant

Present:

For Applicant: S.Sathiyarayanan

CORAM:

**Justice (Retd.) RAMALINGAM SUDHAKAR, PRESIDENT
SAMEER KAKAR, MEMBER (TECHNICAL)**

Order Pronounced on 13th February 2023

ORDER

Per: SAMEER KAKAR, MEMBER (TECHNICAL)

IA/959/CHE/2022 is an Application which is moved by the Liquidator of the Corporate Debtor viz. **Southern Fuel Limited** under Section 54 of the Insolvency and Bankruptcy Code, 2016 (in short 'IBC, 2016') read with Regulation 14 of the IBBI (Liquidation Process) Regulations, 2016 and Rule 11 of the NCLT Rules, 2016 seeking the following reliefs:

- a) Dissolving the Corporate Debtor i.e. Southern Fuel Limited under Section 54(2) of the IBC; and*

b) Such other orders or further orders which this Hon'ble Tribunal may deem fit and proper in the circumstances of this case and render justice.

2. It is averred in the Application that this Tribunal vide order dated 28.09.2021 passed in IBA/834/2020 had ordered commencement of CIRP in respect of the Corporate Debtor and appointed the Applicant herein namely TR.Ravichandran as the Interim Resolution Professional (IRP) .

3. It is further averred in the Application that Southern Fuel Limited (hereinafter the "Corporate Debtor") was ordered for Liquidation by this Tribunal in IA/1241/2021 vide Order dated 15.02.2022 and appointed the Applicant herein as Liquidator of the Company. Pursuant to the order of Liquidation, the Applicant caused Public Announcement and call for submission of claim in Form-B on 22.02.2022 in English Daily "Business Standard and in Tamil Daily "Malai Malar and fixed the last date for submission of claims on 21.03.2022.

4. It is further averred in the application that only one belated Claim was received from State Tax Officer, Tuticorin (Operational Creditor- Govt dues) on 16th April 2022, beyond the due date i.e., March 21, 2022. Apart from this claim, the Liquidator had not received any claims from any Operational Creditors, Workers, Employees or any other class of Creditors. The details of the claims received are as follows:

NAME OF THE CREDITOR	AMOUNT (RS.)	NATURE OF CREDITOR
Sales Tax Officer, Tuticorin	1,99,12,801/-	Sales Tax Dues (Govt Dues)
Grand Total	1,99,12,801/-	

5. It was further averred in the application that the Corporate Debtor did not have any business activities at the time of commencement of liquidation and further there were no employees and the unit remained as a closed unit.

6. It was submitted by the Applicant that a Bank Account in the name of Southern Fuel Limited - In liquidation' bearing Account No 1675135000011702 was opened on 01.04.2022 with Karur Vysya Bank, Coimbatore- Goundampalayam Branch. All the receipts and payments of the Corporate Debtor under liquidation have been routed through this account.

7. As per Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016, the Applicant prepared and filed the 1st Progress Report dated 05.04.2022 and a Preliminary Report along with Asset Memorandum has been filed under Regulation 5 of the IBBI (Liquidation Process) Regulations, 2016 on 08.04.2022. Further it is seen that Final Report prior to dissolution was filed before this Tribunal on 21.07.2022.

8. It is further averred in para 13 of the Application that as (1) the Company had only one Financial Creditor and during the CoC held on 28.10.2021 (2) No assets in the Company as per the Audited Balance sheet as at 31.03.2021 and 27.09.2021 (3) no claim was received within the stipulated period on 21.03.2022, No Stakeholders' Consultation Committee was formed.

9. The statement of the current account maintained by the liquidator is annexed. The receipts and payments of the liquidator has also been audited for period till 19.05.2022 and submitted to Adjudicating Authority. The receipts and payments from 01.04.2022 to 19.05.2022 are filed with the Application.

10. It is seen from the application that the Final Report along with compliance certificate in Form H is submitted along with this application as per Regulation 45 (3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and the said Form –H is placed at Page Nos.51 to 54 of the Application typeset.

11. It is also seen from Form-H that the Applicant / Liquidator has not filed any Application under Chapter III of IBC, 2016 which contains Sections 43, 45, 50 and also under Chapter VI which contains Section 66 of IBC, 2016. Under the said circumstances, the Applicant submitted that since there has been no activity and income and no assets left with the

Corporate Debtor apart from the amount which was lying in the bank account which was also duly distributed to the stakeholders under Section 52 and 53 of IBC, 2016 after meeting the CIRP and liquidation cost and hence prayed that the orders may be passed for dissolution of the Corporate Debtor.

12. Heard the submissions made by the Learned Counsel for the Applicant. Section 54 of the IBC, 2016 provides as follows: -

Section 54

“(1) Where the assets of the corporate debtor have been completely liquidated, the liquidator shall make an application to the Adjudicating Authority for the dissolution of such corporate debtor.

(2) The Adjudicating Authority shall on application filed by the liquidator under sub-section (1) order that the corporate debtor shall be dissolved from the date of that order and the corporate debtor shall be dissolved accordingly.

(3) A copy of an order under sub-section (2) shall within seven days from the date of such order, be forwarded to the authority with which the corporate debtor is registered.”

13. From the averments made in the Application along with the perusal of the final report and the Compliance Certificate filed in Form-H by the Applicant, it is seen that the Corporate Debtor has been completely liquidated and in the circumstances as averred and as prayed for by the Applicant that an order for dissolution is required to be passed by this Adjudicating Authority under Section 54 of the IBC, 2016.

14. Accordingly, we hereby order for the dissolution of the Corporate Debtor viz., **Southern Fuel Limited** and the Liquidator is directed to forward a copy of this Order to the RoC concerned and also to the IBBI for its records within a period of 7 days from the date of this Order. Accordingly, IA/959/CHE/2022 stands **allowed**.

15. IBA/834/2020 be consigned to records.

- Sd -

SAMEER KAKAR
MEMBER (TECHNICAL)

- Sd -

JUSTICE (Retd.) RAMALINGAM SUDHAKAR
PRESIDENT

Sriram Ananth.V