IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI

IA (IBC)/616(CHE)/2023 *In* CA/124/CHE/2018
In TCP/431/IB/2017

(Filed under Section 54 of the Insolvency and Bankruptcy Code, 2016)
In the matter of ***M/S NAG YANG SHOES PRIVATE LIMITED***

CA. Mahalingam Suresh Kumar
Liquidator of M/s. Nag Yang Shoes Pvt. Ltd.
SPP& Co, Chartered Accountants,
No.27/9, Nivedh Vikas, Pankaja Mill Road,
Puliyakulam, Coimbatore 641 045 … *Liquidator/Applicant*

Order Pronounced on ***09th February, 2024***

CORAM

SANJIV JAIN, MEMBER (JUDICIAL)
VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Applicant: AG Sathyanarayana Advocate

ORDER

(Hearing Conducted through VC)

This Application has been filed under Section 54 of the Insolvency and Bankruptcy Code, 2016 by the Liquidator of the Corporate Debtor herein seeking for an order for Dissolution of the Corporate Debtor viz.,. **NAG YANG SHOES PRIVATE LIMITED.**

2. It is stated that CIRP of the Corporate Debtor was initiated by this Tribunal vide order dated 14.09.2017 and the Applicant herein was

appointed as Interim Resolution Professional (IRP) and thereafter as Resolution Professional (RP).

3. It is stated that the Liquidation of the Corporate Debtor was ordered by this Tribunal on 06.04.2018 in CA/124/CHE/2018 and the Applicant herein was appointed as the Liquidator.

4. Pursuant to the order of Liquidation, the Applicant caused the Public Announcement on 11.04.2018 in Form–B of Schedule II by inviting claims from all the stakeholders and fixed the last date for submission of claim as 06.05.2018.

5. It is stated that the Applicant received a claim from the Sole Financial Creditor for an amount of Rs. 33,26,91,286/- and the amount of Rs. 32,98,54,936/- was admitted.

6. It is stated that, the Liquidation Bank Account in the name of M/s. Nag Yang Shoes Private Limited (Under Liquidation) bearing Account No.506801010033258 was opened on 28.04.2018 with Union Bank of India, Chennai.

7. It is stated that, the Stakeholders Constitution Committee (SCC) was not constituted as the regulation came into effect only from 25.07.2019.

8. It is stated that, the Applicant closed the bank account of the Corporate Debtor on 29.03.2023, since the sale has been completed and all the assets have been realized and distributed as per the Section 53 of IBC. It is stated that, the Applicant has complied with all the necessary requirements as per the provisions of IBBI (Liquidation Process) Regulations, 2016.

9. The details of the relevant compliances as mandated under Section 54 of the IBC, 2016 read with the IBBI (Liquidation Process) Regulations, 2016 are listed hereunder:-

S. No	Compliance	Averments	Page No. in the Application
1	Regulation 12	Public Announcement in Form B in Indian Express and Dinamani dated 11.04.2018	56-58
2	Regulation 35(2)	Appointment of Registered Valuers where no valuation conducted during CIRP	Registered Valuers were appointed on 17th and 18th May, 2018 as stated in point 5 of Form H
3	Regulation 31(2)	List of Stakeholders within 45 days of the Liquidation Commencement Date	307-314
4	Regulation 31A	Constitution of Stakeholders Consultation Committee (SCC)	NA (came into effect from 25.07.2019) SCC Constituted on 30.08.2021 for assignment of NRRA
5	Regulation 13	Preliminary Report dated 19-06-2018	67-78
6	Regulation 34	Preparation of Asset Memorandum	79-99

		within Seventy-Five days from LCD dated 14.07.2022	
7	Regulation 41	Opening of Bank Account in the name of the company in Liquidation in "Union Bank of India"	Para 9 of the Application
8		Proof of Closure of the above Bank Account and other account in the name of the Company	Filed as a separate typeset dated 01.02.2024
9	Regulation 15	Quarterly Progress Reports and proof of filing the same before this Tribunal	Para 7 of the Application and Page No.100-306
10	Regulation 36	Asset Sale Reports after sale of Reports	Page249-274
11	Regulation 42(2)	Proof of Distribution within Ninety days from the receipt of realization	Page 22-25
12	Regulation 45 (3)	Final report dated	Page 12-28 & Page 394-401
13	Regulation 5 (1) (e)	Compilation of Minutes of SCC	NA
14	Regulation 15	Audited Accounts of receipts and Payments	Page 391-392
15	Regulation 37	Completion of Liquidation Process within one year from Liquidation Commencement Date or extension if any, date of the order & period	Order dt.03.07.2020 in IA/421/2020 for the further period of one year from 06.04.2020 and the liquidation period was further extended in light of the Supreme Court Suo Moto Order in W.P.(Civil) No.3 of 2020
16		To furnish of details of any application pending before the Adjudicating Authority if any	NRRA Application pending in IA/1314/2021
17		Form-H –Compliance Certificate	394-401

10. We have heard Ld. Counsel for the Applicant and perused the report and synopsis filed by the Liquidator.

11. It is stated in Form H that no applications are pending before this Tribunal for avoidance, Preferential, Undervalued or Fraudulent Transactions.

12. The liquidator has filed the synopsis showing the realization and the distribution which are reproduced as under:

Realization:

18. REALISATION:

Sl. No.	Assets	Mode of Sale	Estimated Liquidation Value (In Rs.)	Realisation amount (In Rs.)	Date of Transfer into Liquidation Account
(1)	(2)	(3)	(4)	(5)	(6)
1.	Plant and Machinery	E-Auction	1,70,56,000	4,05,09,560	Entire amount distibuted to Stakeholders at various dates
2.	Land & Building	E-Auction	5,37,30,000	4,02,97,500	
Total (In Rs.)			7,07,86,000	8,08,07,060	

Distribution:

Sl. No.	Stakeholders* under Section 52 And 53(1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed(%)	Re-marks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Realization of Security Interest	NA	NA	NA	NA	NA
2	Liquidation Cost [Sec.53(1)(a)]	128.23	128.23	128.23	100%	NA
3	Workmen's Dues [Sec.53(1)(b)(i)]	NA	NA	NA	NA	NA

4	Debts of Secured Creditors [Sec.53(1)(b)(ii)]	3326.91	3298.55	672.00	20.20%	NA
5	Wages and Unpaid Dues to Employees [Sec.53(1)(c)]	NA	NA	NA	NA	NA
6	Debts of Unsecured Financial Creditors [Sec.53(1)(d)]	NA	NA	NA	NA	NA
7	Government Dues + Amount Unpaid following Enforcement of Security Interest [Sec.53(1)(e)]	NA	NA	NA	NA	NA
8	Any remaining Debts and Dues (Operational Creditor) [Sec.53(1)(f)]	486.58	376.20	NA	NA	NA
9	Preference Shareholders [Sec.53(1)(g)]	NA	NA	NA	NA	NA
10	Equity Shareholders [Sec.53(1)(h)]	NA	NA	NA	NA	NA
11	CIRP cost U/s.53(1)(a)	7.84	7.84	7.84	100%	NA
12	Priority payment U/s36(4)(a)(iii)	NA	NA	NA	NA	NA
Total		3949.56	3810.82	808.07	21.20%	NA

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. In the circumstances as averred and as prayed for by the Applicant, an order for dissolution is required to be passed by this Tribunal under Section 54 of the IBC, 2016. Accordingly, we order for the dissolution of the Corporate Debtor viz., M/s **Nag Yang**

Shoes Private Limited. The Liquidator is directed to forward the 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.

14. In terms of the above, this IA(IBC)/616/CHE/2023 stands **allowed** and CA/124/2018 also stands **disposed of**. File consigned to records.

-Sd-	**-Sd-**
VENKATARAMAN SUBRAMANIAM MEMBER (TECHNICAL)	**SANJIV JAIN** MEMBER (JUDICIAL)