

**IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH-VI**

CP (IB)-299/ND/2023

IN THE MATTER OF:

M/s. Nature Care Health Services Private Limited.

Regd Office at: -

House No 701, Saini Vihar,

Mundka- 110041

... Applicant/ Petitioner Company

ORDER UNDER SECTION: 59(7) of IBC, 2016

CORAM:

**SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER
(JUDICIAL)**

SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT

For the Applicant: :Mr. Ashish Middha, Adv.

ORDER

PER: RAHUL BHATNAGAR, MEMBER (TECHNICAL)

Date: 14.12.2023

1. This application has been filed by the Liquidator under section 59 of the Insolvency and Bankruptcy Code, 2016 ("Code") read with Insolvency and Bankruptcy Board of India (Voluntary Liquidation Process) Regulations, 2017 seeking dissolution of

M/s Nature Care Health Services Private Limited (hereinafter referred to as the ("Company").

2. It is stated in the application that the aforesaid Company was incorporated on 09.03.2012 under the Companies Act, 1956. The Registered office of the Applicant is situated at Delhi, which lies within the territorial jurisdiction of this Bench.

3. That the following averments have been made in the petition: -

i. That the Company was not carrying any business activities during last two financial years i.e., 2020-2021 & 2021-2022. As per the audited financial statement of the company, the Applicant company does not have any employee hence no one's interest is likely to be affected.

ii. The details of the directors of the Applicant Company are as follows:

a. Mr Nirmala Kumari Goryan- Appointed on 09.03.2012

b. Mr. Kamlesh Kumari Nandal- Appointed on 09.03.2012

iii. That Board of Director at Board meeting held on 10.01.2023 decided to liquidate the Company voluntarily under section 59 of the IBC, 2016. As required under the provisions of the Section 59 of the Code, both the two

Directors of the Company, have made a declaration of solvency stating that: -

- iv. They have made full enquiry into the affairs of the Corporate Person, and they have formed an opinion that the company is able to pay its debt in full and
- v. The Corporate Person is not being liquidated to defraud any person.
- vi. That as per the declaration of solvency, the company does not have any movable or immovable assets, hence no valuation report was required to be obtained under the provisions of Section 59 (3) of the Code.
- vii. The majority of Directors duly prepared and filed a Declaration of Solvency along with audited financial statements and record of business operations of the company for the previous two years with the Registrar of Companies, NCT of Delhi
- viii. Thereafter, an extra-ordinary general meeting of the Corporate Person was held on 06.02.2023 wherein the members of the Corporate Person have passed a special resolution requiring the Corporate Person to be liquidated voluntarily and appointing Mr. Lekhraj Bajaj, an insolvency professional, to act as the Liquidator in the matter.

- ix. That, the corporate person notified the same to the Registrar of companies, Delhi in Form MGT-14 vide SRN AA1354002 dated 22.02.2023
- x. That the Applicant Company does not have any Creditors hence their consent is not required as per section 59 (3) of the Code.
- xi. That the public announcement was made on 08.02.2023 in Financial Express (English, Delhi Edition) and Jansatta (Hindi, Delhi Edition). Copy of the publication was also forwarded to the IBBI for publication on its website.
- xii. That the Liquidator did not receive any claim from any stakeholders till the last date as per the public announcement.
- xiii. That the Liquidator has prepared its final report on 27.04.2023 which has been filed with the RoC and IBBI.
- xiv. It is submitted that there are no pending investigations under Company Act, 2013 or any previous Company Law against the Applicant Company.
- xv. That the Applicant Company had Bank Account with Yes Bank Limited, Rajdhani Enclave which was closed by the Liquidator and a certificate from the Bank was also placed on record by the Applicant Company
- xvi. The Applicant submitted that no other assets of the Corporate Person were left to be realized.

- xvii. That since the affairs of the Corporate Person have been completely wound up, and its assets completely liquidated the Liquidator has presented this Petition to this Tribunal for dissolution of the Corporate Person in terms of section 59(7) of the Insolvency & Bankruptcy Code, 2016.
- xviii. We gone through the application filed by the applicant/ Liquidator seeking dissolution in terms of section 59(7) of the Code and have heard the arguments of the Ld. Counsel for the applicant.
- xix. This Tribunal directed the Petitioner to issue a notice to the RoC and Income Tax Department. However, despite service of notice no one appeared on behalf of RoC and Income Tax Department, hence both were set ex parte vide order dated 01.08.2023.
- xx. The Liquidation Account maintained at Yes Bank Limited was closed and letter dated 10.05.2023 received from Yes Bank Limited confirming the closure of the Bank Account has also been placed on record by the applicant. Copy of the same is reproduced as under.

TO Whom May its Concern

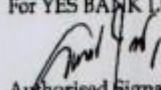
This is to certify that M/s. NATURE CARE HEALTH SERVICES PRIVATE LIMITED IN LIQDN was maintaining a Current Account bearing No. 045563300006246 with YES BANK Ltd. Rajdhari Enclave branch since 03-04-2023

We further certify that said account has been closed as per our record on dated 26/04/2023

This certificate is issued at the specific request of the client without any risk or responsibility on the part of the bank or any of its officers/ directors and should not be construed as recommendation or guarantee on the part of the bank for any award of contract, tender or otherwise.

Thanking You,

For YES BANK Ltd.,


Authorized Signatory
Date 10/05/2023



Certified True Copy

xxi. In view of the foregoing steps taken and the satisfaction accorded by the Liquidator by way of the present application, there is no legal impediment in allowing the prayer of the applicant. Accordingly, we hereby allow the prayer of Liquidator to dissolve the company U/S 59(7) of the Code and the said company is hereby dissolved with effect from the date of the present order. Under Regulation 41 IBBI (Voluntary Liquidation Process), the Liquidator is directed to preserve a physical or electronic copy of the reports, registers, books of account including Bank's Letter evidencing closure of the

Bank Account maintained at Yes Bank Limited and other documents referred to in Regulation 8 and 10 for at least eight years for electronic copy and at least three years for physical copy after the dissolution of the company at a secure place.

xxii. A copy of this order be filed with the RoC within the statutory period as per the applicable provisions.

xxiii. File be consigned to the Record Room.

SD/-
(RAHUL BHATNAGAR)
MEMBER (TECHNICAL)

SD/-
(MAHENDRA KHANDELWAL)
MEMBER (JUDICIAL)