

BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
INDORE BENCH AT AHMEDABAD  
COURT 1

TP/MP/133 OF 2019 [CP (IB) No. 626/9/NCLT/AHM/2019]

Coram: MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)  
VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE  
INDORE BENCH AT AHMEDABAD OF THE NATIONAL COMPANY LAW TRIBUNAL ON 08.01.2021

Name of the Company:

Bigbloc Construction Limited  
V/s  
Nishakunj Buildcon L.L.P

Section:

9 of the Insolvency & Bankruptcy Code, 2016

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open Court, vide separate sheet.

  
(VIRENDRA KUMAR GUPTA)  
MEMBER (TECHNICAL)

  
(MADAN B. GOSAVI)  
MEMBER (JUDICIAL)

Dated this the 8th day of January, 2021

**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
INDORE BENCH at AHMEDABAD  
COURT-1**

**TP/MP/133 of 2019  
[CP (IB) No.626/9/NCLT/AHM/2019]**

**In the matter of:**

M/s. Bigbloc Construction Limited  
6<sup>th</sup> Floor, A-601/B, International Trade Centre,  
Majura Gate, Ring Road,  
Surat – 395002,  
Gujarat, India.

... Operational Creditor

V/s.

M/s. Nishakunj Buildcon L.L.P.  
LLPIN: AAI-4219  
P-19, Pt. Din Dayal Upadhyay Nagar,  
Sukhliya, Indore – 452010,  
Madhya Pradesh, India.

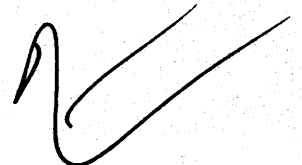
... Corporate Debtor

**Date of Hearing: 31<sup>st</sup> December, 2020  
Date of Pronouncement: 8<sup>th</sup> January, 2021**

**Coram: Madan B. Gosavi, Member (Judicial)  
Virendra Kumar Gupta, Member (Technical)**

**Appearance:**

Learned PCS Mr. Dhiren Dave, for the Operational Creditor.  
None for the Corporate Debtor.



**ORDER**

**[Per: Madan B. Gosavi, Member (Judicial)]  
(Through Video Conferencing)**

1. M/s. Bigbloc Construction Limited, the Operational Creditor filed this application under Section 9 of the Insolvency and Bankruptcy Code, 2016, against M/s. Nishakunj Buildcon L.L.P. – the Corporate Debtor to initiate the Corporate Insolvency Resolution Process (“CIRP”) of the Corporate Debtor on the ground that in spite of service of demand notice, the Corporate Debtor committed default in paying operational debt of Rs.3,39,673/-.
2. The Operational Creditor states that, vide invoices dated 23.06.2018, it has sold and supplied certain goods to the Corporate Debtor. The Corporate Debtor made a part payment and the last payment was received by them on 02.02.2019. thereafter, the Corporate Debtor did not pay any amount. Hence, on 14.06.2019, the Operational Creditor served on the Corporate Debtor, notice of demand under Section 8 of the I.B. Code, 2016. In spite of receipt of such notice, the Corporate Debtor did not pay the amount and thereby committed default, and hence, this application.
3. The notice of this application was duly served on the Corporate Debtor by Speed Post on June-2020. In spite of receipt of notice, the Corporate Debtor did not appear

in the matter and did not choose to contest the claim and hence, hearing of the application preceded ex-parte.

4. We heard the Learned PCS Mr. Dhiren Dave. We perused the material on record.
5. The Operational Creditor produced on record three invoices dated 23.06.2018, 24.06.2018 and 02.08.2018 (page no.12 to 14 of paper book) and has also produced on record the statement of account. Perusal of it shows that the amount of Rs.3,39,673/- is due and payable by the Corporate Debtor to the Operational Creditor.
6. The copy of notice of demand dated 04.06.2019 is also on record with the proof of delivery of notice to the Corporate Debtor by the postal track report (placed at page 21 of the paper book).
7. The Operational Creditor also filed on record affidavit stating that in-spite of receipt of demand notice, the Corporate Debtor did not pay the debt nor replied notice pointing any dispute and thereby complied the provision of Section 9(3)(b) and 9(3)(c) of the I. B. Code.
8. The Operational Creditor did not suggest name of any resolution professional for the appointment of Interim Resolution Professional and let the mater discretion of this authority. The application is defect free. The Operational Creditor has proved that in-spite of receipt of the demand notice; the Corporate Debtor has failed to

pay the debt. This application is defect free. Hence, we admit the Corporate Debtor in the Corporate Insolvency Resolution Process under Section 9 of the Insolvency and Bankruptcy Code, 2016 by following order:

**ORDER**

1. The Corporate Debtor, **M/s. Nishakunj Buildcon LLP.** is admitted in Corporate Insolvency Resolution Process under Section 9 of the Insolvency and Bankruptcy Code, 2016.
  
2. The moratorium under Section 14 of Insolvency and Bankruptcy Code, 2016 is declared for prohibiting all of the following in terms of Section 14(1) of the Code.
  - a. the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
  - b. transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
  - c. any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

- d. The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.
3. The order of moratorium shall have effect from the date of this order till the completion of the Corporate Insolvency Resolution Process or until this Adjudicating Authority approves the Resolution Plan under sub-section (1) of the Section 31 or passes an order for liquidation of Corporate Debtor Company under Section 33 of the Insolvency & Bankruptcy Code, 2016, as the case may be.
4. We hereby appoint **Mr. Sanjiv Vijay Naidu, having registration no. IBBI/IPA-002/IP-N00687/2018-2019/12265, email: sanjiv\_naidu@hotmail.com, Mobile No.7747044474 (Indore, Madhya Pradesh)** to act as an IRP under Section 13(1)(c) of the Code. He shall conduct the Corporation Insolvency Resolution Process as per the provision of Insolvency and Bankruptcy Code, 2016 r.w Regulation made thereunder:
5. The IRP shall perform all his functions as contemplated, inter-alia, by Sections 17, 18, 20 & 21 of the Code. It is further made clear that all personnel connected with Corporate Debtor, its Promoter or any other person associated with management of the Corporate Debtor are under legal obligation under Section 19 of the Code extending every assistance and co-operation to the

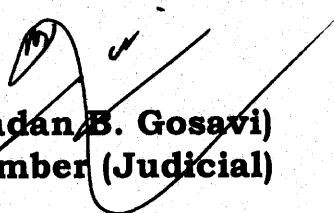
Interim Resolution Professional. Where any personnel of the Corporate Debtor, its Promoter or any other person required to assist or co-operate with IRP, do not assist or Co-operate, the IRP is at liberty to make appropriate application to this Adjudicating Authority with a prayer for passing an appropriate order.

6. This Adjudicating Authority directs the IRP to make a public announcement of initiation of Corporate Insolvency Resolution Process (CIRP) and call for submission of claims under Section 15 as required by Section 13(1)(b) of the Code.
7. It is further directed that the supply of goods/service to the Corporate Debtor Company, if continuing, shall not be terminated or suspended or interrupted during the moratorium period.
8. The IRP shall be under duty to protect and preserve the value of the property of the 'Corporate Debtor Company' and manage the operations of the Corporate Debtor Company as a going concern as a part of obligation imposed by Section 20 of the Insolvency & Bankruptcy Code, 2016. The Operational Creditor is directed to pay an advance of **Rs.50,000/- (Rupees Fifty Thousand Only)** to the IRP within two weeks **from the date of this order** for the purpose of smooth conduct of Corporate Insolvency Resolution Process ("CIRP") and IRP to file proof of receipt of such amount to this Adjudicating

Authority along with First Progress Report. Subsequently, IRP may raise further demands for Interim funds, which shall be provided as per Rules.

9. The Registry is directed to communicate a copy of this order to the Operational Creditor, Corporate Debtor and to the Interim Resolution Professional and the concerned Registrar of Companies, after completion of necessary formalities, within seven working days and upload the same on website immediately after pronouncement of the order.
10. Accordingly, CP (IB) No.626/9/NCLT/AHM/2019 stands admitted.

  
(Virendra Kumar Gupta)  
Member (Technical)

  
(Madan B. Gosavi)  
Member (Judicial)

AT