

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

IA 674 of 2019 in TP 33 of 2019 [CP(IB) 67 of 2018]

Coram: Hon'ble Mr. MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)
Hon'ble Mr. 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 24.06.2020

Name of the Company:

Rajesh Jhunjhunwala RP For Siddharth Tubes
Ltd

Section:

Section 33(1), 33(2) & 34(1) IBC 2016

ORDER

Learned Counsel Mr. Arjun Sheth appeared for the Applicant.

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

IA No. 674 of 2019 in CP(IB) No. 67 of 2018 is allowed and stands disposed of
accordingly.

Virendra
24/6/20
(VIRENDRA KUMAR GUPTA)
MEMBER (TECHNICAL)

Madan B Gosavi
(MADAN B GOSAVI)
MEMBER (JUDICIAL)

dated this the 24th day of June, 2020.



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

**IA No. 674 of 2019
IN
CP(IB) No. 67/9/NCLT/AHM /2018**

In the matter of :

An Application filed under Section 33 of the Insolvency & Bankruptcy Code, 2016 ("IB Code/Code") for initiation of liquidation proceedings of Siddharth Tubes Ltd. (the "Corporate Debtor")

AND

In the matter of :

Mr. Rajesh Jhunjunwala
Resolution Professional of M/s. Siddharth Tubes Ltd.
Having address ;
A-51, Aashit CHS, Azad Road,
H B Gawde Marg,
Stanburg Estate, Juhu Koliwada,
Mumbai City, Maharashtra, 40049

... Applicant/RP

AND

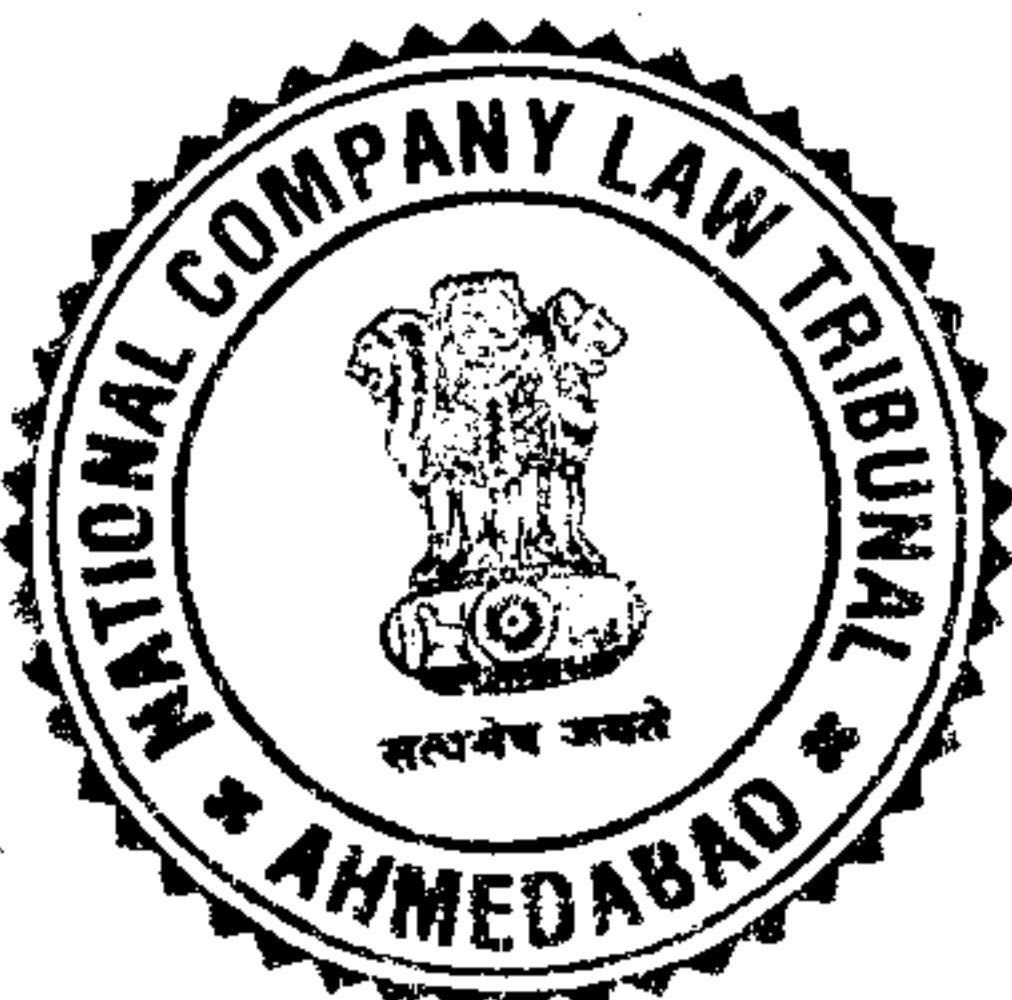
In the matter of :

Madhya Pradesh State Industrial Development
Corporation Limited
AVN Towers
192 Zone-I, M.P. Nagar
Bhopal-462 011(M.P.)

...Financial Creditor

Versus

M/s. Siddharth Tubes Limited
Taraganj Industrial Estate



A.B. Road, sarangpur-465 697 (M.P.)

...Corporate Debtor

Date of Pronouncement of Order 24th June, 2020

**Coram: HON'BLE MR. MADAN B GOSAVI, MEMBER(J)
HON'BLE MR. VIRENDRA KUMAR GUPTA, MEMBER (T)**

Appearance:

Learned Counsel Mr. Arjun Sheth for the Resolution Professional/Applicant.

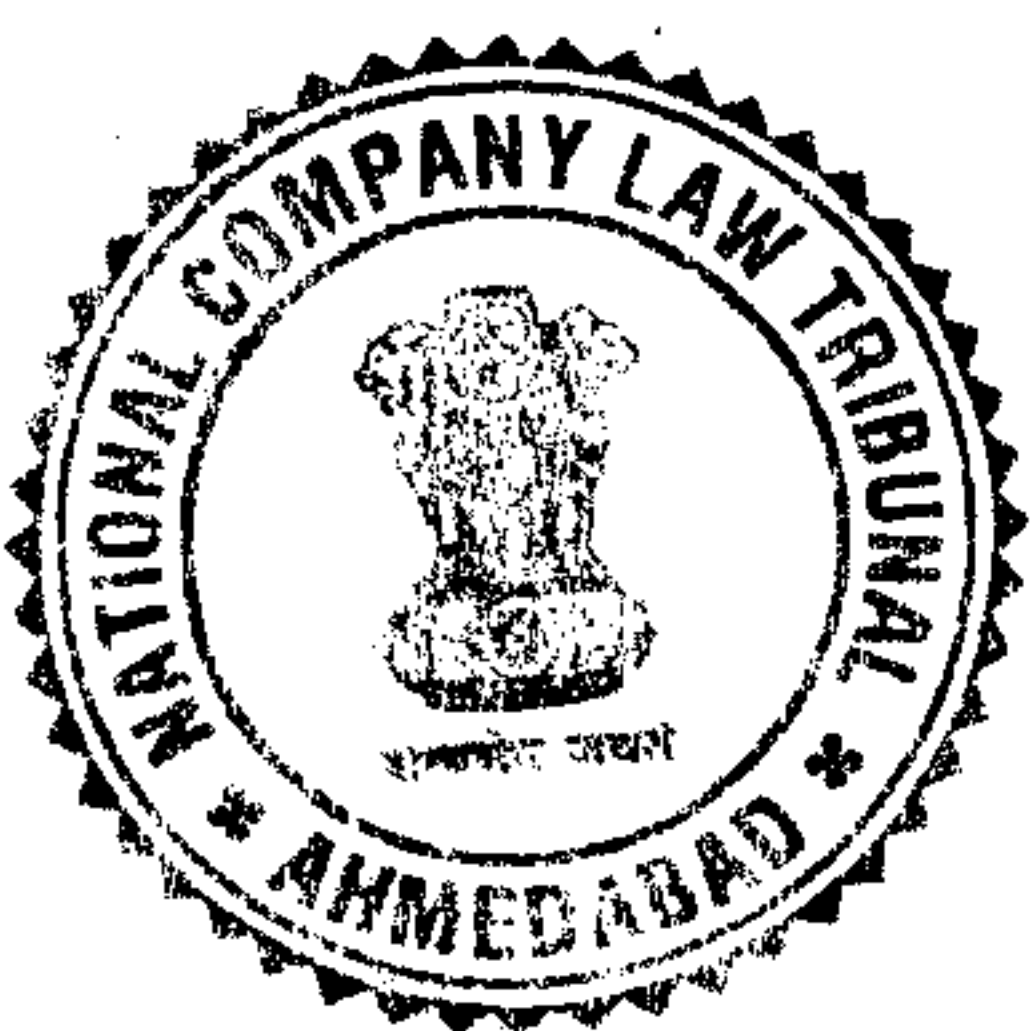
ORDER

[Per: Hon'ble Mr. VIRENDRA KUMAR GUPTA, Member (T)]

1. The present Interlocutory Application seeking for liquidation of the Corporate Debtor Company is filed by the Resolution Professional under Section 33(1), 33(2) & 34(1) of the Insolvency & Bankruptcy Code,.
2. The Corporate Debtor was admitted under Corporate Insolvency Resolution Process vide its order dated 24.01.2019 in an Application filed by the Financial Creditor under Section 7 of the Insolvency & Bankruptcy Code, 2016.

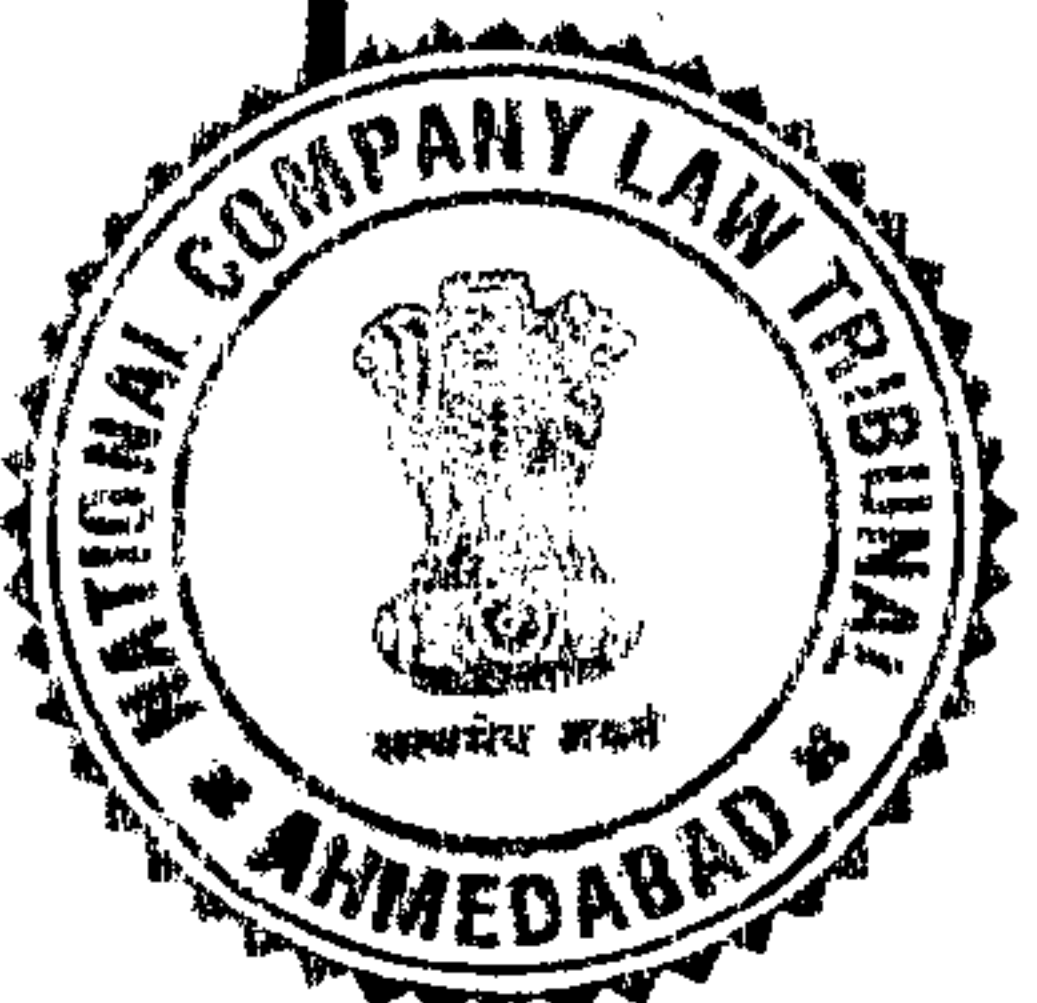


3. The Corporate Insolvency Resolution Process for 180 days. Corporate Insolvency Resolution Process got exhausted on 23.07.2019. However, extension of 90 days was given vide order dated 24.07.2019. The invitation for expression of interest were published on two occasions, however, no EOI was received one SKM Steel Ltd., requested for extension for submitting EOI. However, CoC, in absence of any concrete proposal from the said party in its meeting dated 26.09.2019 decided to not to give any extension and also resolved to put the Corporate Debtor under liquidation.
4. The COC in its **meeting held on 26.09.2019** has resolved that since, the Resolution Professional did not receive any Resolution Plan, hence, passed requisite resolution with 100% of its majority to recommend the liquidation of the Corporate Debtor. The CoC further resolved that the Resolution Professional **Mr. Rajesh Jhunjunwala** to be allowed to act as a 'Liquidator'. The Resolution Professional has already given his



written consent annexed at "Annexure-E" of the Application and he has been authorised to file the present application for seeking order of liquidation from this Adjudicating Authority.

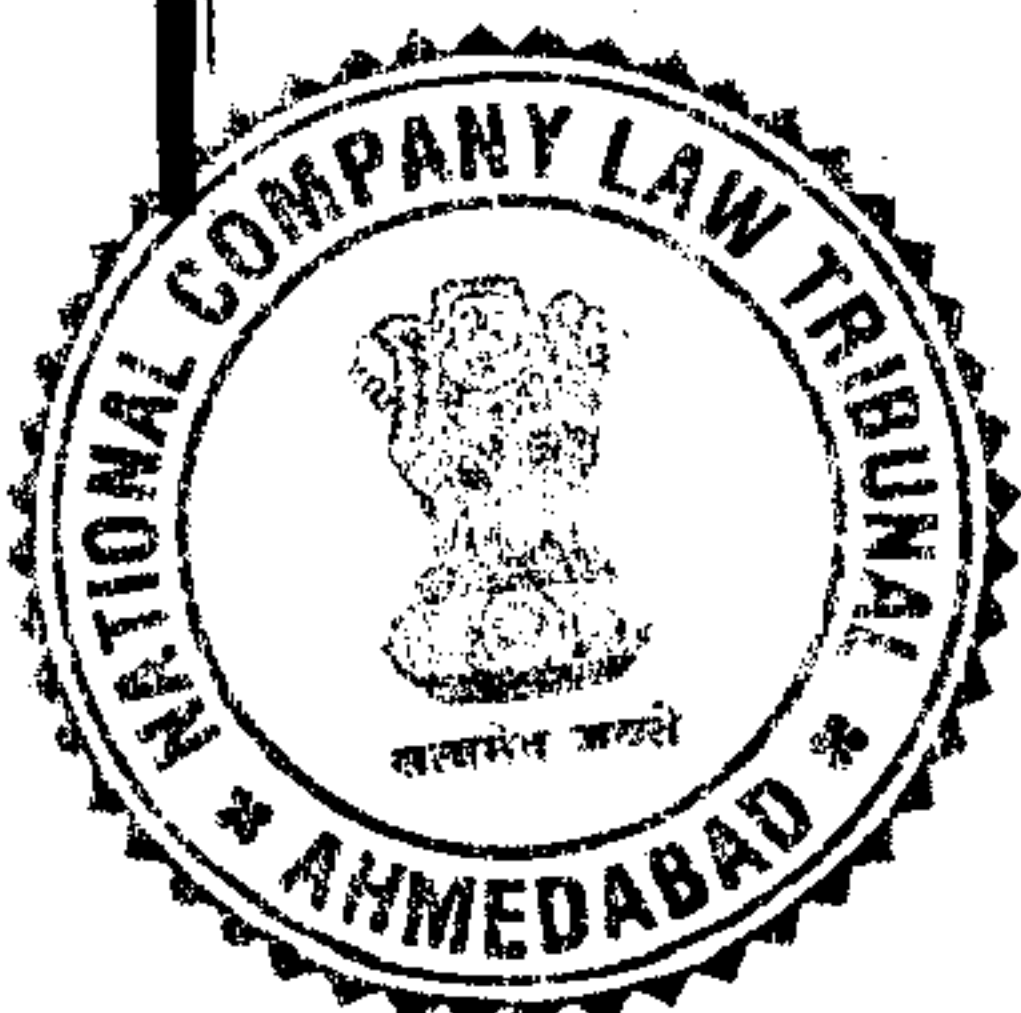
5. Learned Counsel for the Resolution Professional-Applicant narrated the basic facts and requested for passing an order of liquidation as there was no reason to continue with Corporate Insolvency Resolution Process.
6. We have considered the submissions made by Learned Counsel for the Applicant and material available on record. It is noted that the Corporate Debtor was admitted in to Corporate Insolvency Resolution Process vide order dated 24.01.2019 in CP(IB) No. 67/7/NCLT/AHM/2018.
7. It is found that, no Resolution Plan has been received during Corporate Insolvency Resolution Process nor EOI's have been received. In these circumstances,



there remains no other option but to pass an order of Liquidation of the Corporate Debtor and this has also been decided by the Committee of Creditors in its meeting dated 26.09.2019 with 100% voting. Considering the factual situation of the matter and applicable legal provision(s), to be ordered that company to be liquidated. This to be further ordered that the Resolution Professional shall act as 'Liquidator'. The detailed order is as under :-

ORDER

1. As per the Section 34(1) of the I.B. Code, the Applicant/ Resolution professional, **Mr. Rajesh Jhunjunwala, (Registration No. IBBI/IPA-001/IP-P00647/2017-18/11102)** is hereby **appointed as a Liquidator** of the company **M/s. Siddharth Tubes Limited**, having CIN No. U74140MP1965SG001008, which has been duly approved by CoC in its meeting dated 26th September, 2019.

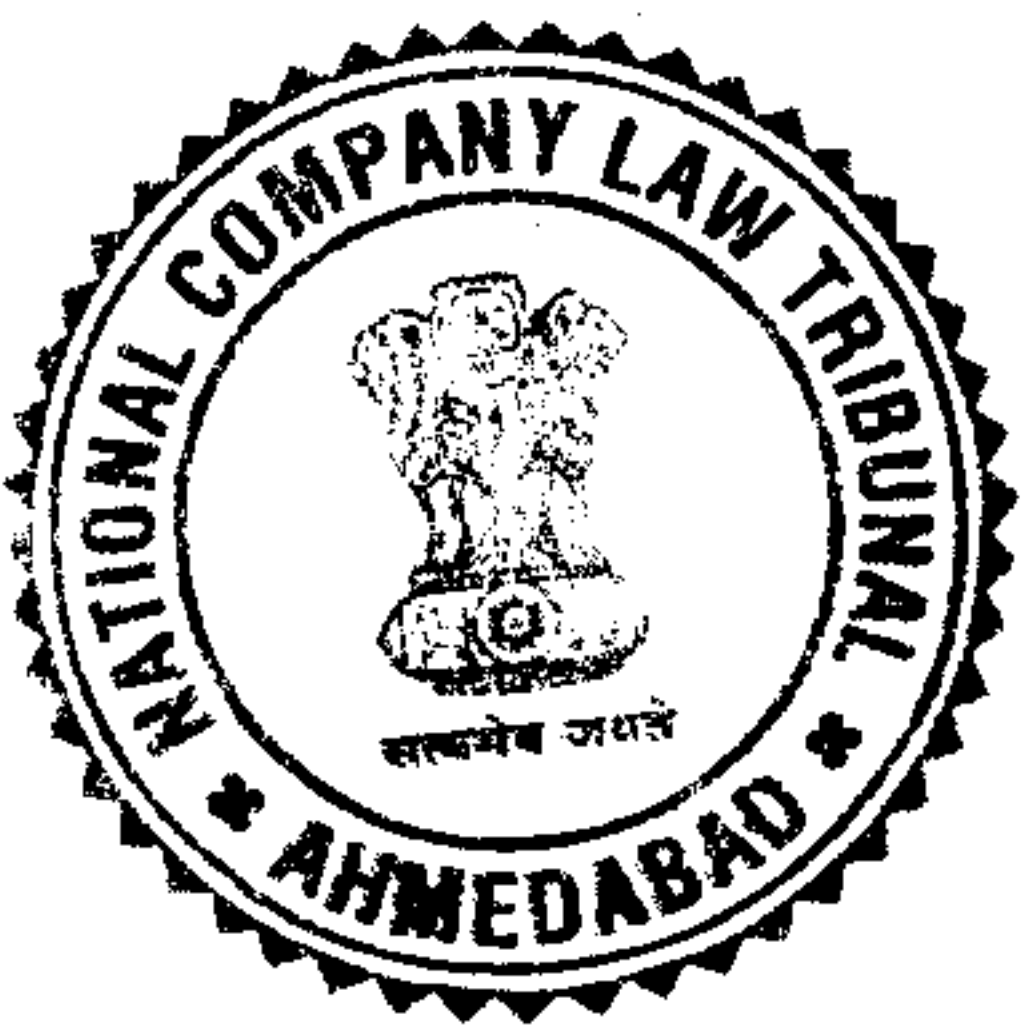


2. All the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter cease to exist. All these powers henceforth, vest with the Liquidator.
3. The personnel(s) of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
4. The Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
5. That once having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor save and except the liberty to



the liquidator to institute suite or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority as mentioned in Sub-Section 6 of Section 33 of the I.B. Code.

6. The Liquidator shall co-ordinate with all the authorities and the respected Government Authorities and shall provide complete information to facilitate the process of Liquidation.
7. The Liquidator is at liberty to seek any directions, if need be from this Tribunal during the Liquidation Process.
8. The Liquidator shall take necessary legal action to recover the trade receivables and other credits such as loans and advances from the parties which are reflected in the latest balance sheet of the Corporate Debtor, if any. This direction is hereby given in



concurrence of the jurisdiction prescribed under
Section 33(5) of the Code.

9. This liquidation order shall be deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.
10. The Moratorium declared vide order dated 24.01.2019 in CP(IB) No.67/7/NCLT/AHM/2018, henceforth, ceases to exist.
11. The present I.A. No. 674 of 2019 is allowed directing the appointed Liquidator to initiate and complete liquidation process as envisaged under Chapter – III of the Code by following the liquidation process as specified in the Insolvency and Bankruptcy Board of India (liquidation process) Regulations, 2016.



12. **The Registry is directed to upload this order on the Official Website within maximum two working days from the date of this order.** The authenticated copy of this order also be sent by the registry to the Financial Creditor, Corporate Debtor, Registrar of the Company, Resolution Professional come Liquidator by Speed-post within one week from this order.

Accordingly, the present I.A. No. 674 of 2019 is allowed and stands disposed of.

Virendra
24/6/2020

(Virendra Kumar Gupta)
Adjudicating Authority &
Member (Technical)

Madan
24/6/2020

(Madan Bhalachandra Gosavi)
Adjudicating Authority &
Member (Judicial)

Signed on this, the 24th June, 2020.

vc

