

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH - I
KOLKATA**

**IA (IB) No. 279/KB/2022
in
CP (IB) No. 1223/KB/2018**

An Application under section 54 of the Insolvency and Bankruptcy Code, 2016 read with regulation 45(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

In the matter of:

Vaishno Engineer System Associates.

... Operational Creditor

Versus

Maa Tara Ispat Industries Private Limited

... Corporate Debtor

-And-

In the matter of:

Mr. Anish Agarwal,

Liquidator of Maa Tara Ispat Industries Private Limited

... Applicant

**Order reserved on: 07th June 2022
Order pronounced on: 17th June 2022**

Coram:

Shri Rajasekhar V.K., Member (Judicial)

Shri Balraj Joshi, Member (Technical)

Appearances (physically):

- | | |
|-----------------------------------|------------------|
| 1. Mr. Avishek Guha, Advocate | } for Applicant |
| 2. Mr.Chitresh Saraogi, Advocate | |
| 1. Mr.Rishav Banerjee, Advocate | } for Liquidator |
| 2. Mr. Siddhanth Makkar, Advocate | |

ORDER

Rajasekhar V.K, Member (Judicial)

1. This court convened *via* video conferencing.
2. This is an application filed under section 54(2) of the Insolvency and Bankruptcy Code, 2016 (“*Code*”) read with regulation 45(3) of the Insolvency and Bankruptcy Board of India [Liquidation Process] Regulations, 2016 (“*Liquidation Process Regulations*”) by the Liquidator of **Maa Tara Ispat Industries Private Limited (CIN: U27100JH2008PTC01329)** (“*Corporate Debtor*”) praying for the following reliefs:
 - a) *To consider and take on record revised and final distribution of schedule as per Final Progress Report as per regulation 45 of IBBI (Liquidation Process) Regulations, 2016 and Form-H in compliance to the code and IBBI (Liquidation Process) Regulations, 2016 as attached with this Application.*
 - b) *To dissolve the Company.*
3. This Adjudicating Authority *vide* order dated 09.04.2019, admitted the Corporate Debtor under Corporate Insolvency Resolution Process (“*CIRP*”) appointing Mr. Pramod Kumar Singh as Interim Resolution Professional. Subsequently, his appointment was confirmed as Resolution Professional *vide* order dated 20.09.2019 in furtherance of the direction of Hon’ble NCLAT. Accordingly, an order of liquidation was passed *vide* order dated 21.02.2020. Mr.Anish Agrawal, the applicant, was appointed as a Liquidator. A copy of the order is annexed with the application and marked as Annexure - ‘A’¹.
4. Public announcement of commencement of liquidation was made in Form ‘B’ in “*Financial Express*” (English) and “*Jharkhand Hindustan*” (Hindi) on 02.09.2021 inviting proof of claims from the stakeholders of the Corporate Debtor in the specified forms and Form ‘B’ was also uploaded on the IBBI website. The Liquidator in regard to the sale notice received two (Earnest

¹ Pp. 28-34 of the I.A.

Money Deposits) EMD namely Mr.Pawan Kumar Agarwal and Vishnu Engineer Corporation.

5. A list of stakeholders was prepared and submitted before the Adjudicating Authority on 10.07.2020. On August 24, 2021, the Liquidator closed his prior bank account with UCO Bank in Jamshedpur and opened a new liquidation bank account in the name of the corporate debtor i.e., Maa Tara Ispat Industries Private Limited on 24.08.2021 – in Liquidation with Bank of Baroda, Lalpur Branch, Ranchi with account number 41110200000357 as per regulation in 41 of the Liquidation Process Regulations,
6. The Liquidator thereafter filed a Preliminary Report as per regulation 13 of the Liquidation Process Regulations on 07.07.2020 and the Asset Memorandum on 07.07.2020 as per regulation 34(4) of the Liquidation Process Regulations is annexed with the application and marked as Annexure- '6'²
7. It is submitted that the Corporate Debtor was not a going concern as on the Liquidation Commencement Date. It is further submitted that there was only one asset of the Corporate Debtor, which has been sold by way of a private sale for ₹ 30,11,000/- + 18% GST on 14th October 2021, and a negative net worth, as well as borrowings from banks as Non-Performing Assets (NPA) and several litigation amounts pending with Jharkhand Electricity, which had a large DPS charged by the Electricity Board, as well as litigations pending with Provident Fund departments, Excise departments, and other revenue authorities, all of which have now been dismissed vide order dated 07.01.2022.
8. It is further submitted that the Liquidator has distributed the entire amount in accordance with section 53 of the Code. The distribution of liquidation proceeds was as follows:

Particulars	Amount (Paid)
<i>Sale Proceeds</i>	₹30,11,000/- + 18% GST by way of a private sale
<i>Costs and Expenses incurred during CIRP Period</i>	₹10,88,872/-

² Pp. 154-185 of the I.A.

<i>Costs and Expenses incurred during Liquidation Period</i>	₹80,33,374(<i>inclusive of Liquidators fee</i>)
<i>Amount incurred and paid to Creditor: Secured Financial Creditor (Bank of Baroda) and Small Industries Development Bank of India (SIDBI)</i>	₹19,65,35,592.58/-(<i>incurred</i>)/- ₹ 5,41,28,413/-(<i>paid</i>)
<i>Amount incurred and admitted to Operational Creditor (Jharkhand Bijli Vitran Nigam Limited) other than workers, employee</i>	₹ 93,44,70,438/-
<i>Other as per Sec 53(c-h)</i>	₹93,44,70,438/-(<i>incurred</i>)and <i>Paid NIL</i>

9. In compliance of Regulation 15 of the Liquidation Process Regulations, the Liquidator has filed 8 quarterly Progress Reports from time to time before the Adjudicating Authority, and the final report (the 9th CoC) dated 18.01.2020 disclosing all the material facts and information and 100% voting share resolved with respect to the liquidation process of the Corporate Debtor has been annexed as **Annexure – ‘13’** to the application. As per mandatory requirement under regulation 45(3) of the Liquidation Process Regulations, the Liquidator has prepared a compliance certificate under prescribed ‘Form H’ and the same is annexed as **Annexure – ‘B’** to the Interlocutory Application.
10. The affairs of the Corporate Debtor were completely liquidated after realising the assets and handing over the certificate of sale and possession to Mr. Pawan Kumar Agarwal for the asset sold by way of private sale on 11.02.2022 after complying with the provision of section 53 of the Code in the order of priority as mandated under the Code. Details of realisation and distribution have been specifically mentioned in Form-H. The Account of Liquidation in terms of regulation 45(1) of the Liquidation Process Regulations and details thereof have been attached in the Final Report.
11. Upon hearing the Liquidator and on perusal of the documents annexed to the application, it appears that affairs of the Corporate Debtor have been completely wound up and its assets have been completely liquidated. The bank statements as Income and Expenditure for the period 01.04.2020 -31.03.2021

marked as Annexure-C on pages 27-31 reflect that there is no balance in the bank account.

12. In view of the above facts and circumstances, there is no impediment to the Corporate Debtor being dissolved, and it is ordered accordingly. The liquidator is directed to apply for the closure of the liquidation bank account of the Corporate Debtor.
13. The Liquidator is further directed to serve a copy of this order upon the Registrar of Companies, Jharkhand, immediately and, in any case, within fourteen days of receipt of this order. The Registrar of Companies shall take further necessary action upon receipt of a copy of this order.
14. The Liquidator shall stand discharged from his responsibilities, subject to procedural compliances.
15. **I.A. (IB) No. 279/KB/2022** and **CP (IB) No. 1223/KB/2018** shall stand disposed of in accordance with the above directions.
16. The Registry is directed to send e-mail copies of the order forthwith to all the parties for information and for taking necessary steps.
17. Certified copy of this order may be issued, if applied for, upon compliance of all requisite formalities.
18. File be consigned to the record

BALRAJ JOSHI Digitally signed by BALRAJ
JOSHI
Date: 2022.06.17 21:58:26
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(Balraj Joshi)
Member (Technical)

(Rajasekhar V.K.)
Member (Judicial)

Signed on this, the 17th day of June, 2022