IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.301

IA(IBC) 1134 of 2023 in
CP(IB) 132 of 2019

Order under Section 54(1) of IBC

IN THE MATTER OF:

Mr. Vikas Prakash Gupta ....**Applicant**
Liquidator of
Supreme Finefab Private Limited ....**Respondent**

Order delivered on: 21/11/2023

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for the pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

-SD-	**-SD-**
SAMEER KAKAR	**SHAMMI KHAN**
MEMBER (TECHNICAL)	**MEMBER (JUDICIAL)**

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

IA(IBC)/1134(AHM)/2023 in CP(IB)/132/2019

(An application filed by the Liquidator for dissolution of the Corporate Debtor under section 54 of the Insolvency and Bankruptcy Code, 2016 r.w. Regulation 45(3) of the IBBI (Liquidation Process) Regulations, 2016)

In the matter of ***M/s. Supreme Finefab Private Limited***

Mr. Vikas Prakash Gupta
Liquidator M/s. Supreme Finefab Private Limited
Having Address at:
G-19, Shreewardhan Complex,
Mezzanine Floor, Besides Landmark Building,
Ramdaspeth, Wardha Road,
Nagpur, Maharashtra, 440010.

... Applicant/Liquidator

Order Pronounced on 21.11.2023

CORAM:

SHAMMI KHAN, MEMBER (JUDICIAL)
SAMEER KAKAR, MEMBER (TECHNICAL)

For Applicant: Mr. Ketan M Parikh, Advocate a/w
Mr. Kuldeep K. Adesara, Advocate.

O R D E R
(Per: Bench)

1. The present Application IA(IBC)/1134(AHM)/2023 has been filed under Section 54(1) of the Insolvency and Bankruptcy Code, 2016 by the Liquidator seeking relief as follows:-

a) This Hon'ble Adjudicating Authority may be pleased to allow the present application.

b) *This Hon'ble Adjudicating Authority may be pleased to pass an order u/s. 54(2) of the I.B. Code, 2016 for the dissolution of the Corporate Debtor-M/s Supreme Finefab Private Limited having CIN: U17119GJ1993PTC019577 and having its registered office at Plot No. 823/2, Road no. 8, GIDC, Sachin, Surat-394230.*

c) *This Hon'ble Adjudicating Authority may be pleased to grant any other relief or relief as may deem fit in the interest of Justice;*

2. It is Submitted that the Petition for Corporate Insolvency Resolution Process was filed by Financial Creditor Viz. Bank of Baroda against the Corporate Debtor Viz. M/s Supreme Finefab Private Limited (Corporate Guarantor of M/s. Supreme (India) Impex Limited) bearing C.P. No. 132/7/NCLT/AHM/2019 u/s 7 of the Insolvency and Bankruptcy Code 2016pursuant to which order for initiation of CIRP was passed by the Hon'ble NCLT, Ahmedabad Bench via. order dated 16.03.2021 wherein Mr. Vikas Parkash Gupta was appointed as Interim Resolution Professional.

3. It was resolved in the 1" CoC Meeting to liquidate the Corporate Debtor and to file an application under Section 33 (2) of the IBC, 2016 and appoint Mr. Vikas Prakash Gupta as Liquidator.

4. It is stated that this Bench by its order dated 08.10.2021 in IA No. 555 of 2021 ordered for initiation of the Liquidation Process of M/s Supreme Finefab Private Limited and Mr. Vikas Prakash Gupta came to be appointed as Liquidator of the company in accordance with the provisions of Chapter III of part II of the Insolvency and Bankruptcy Code, 2016.

5. It is submitted that the final list of stakeholders as of 23.12.2021 was filed before this Tribunal in terms of Regulation 31(2) of the IBBI (Liquidation Process) Regulations, 2016. Paper Publication as mandated under the said Regulation is stated to have been made on 13.10.2021 in 'Gujarat Guardian & Financial Express' (Surat & Ahmedabad Edition) in Gujarati Language and 'Financial Express (Ahmedabad Edition) in English Language. Further the list of Stakeholders and their claims received and admitted as per Regulation 31 of IBBI (Liquidation Process) Regulations, 2016 is as follows:

S. No	Name of the Stakeholder Creditor	Claims submitted	Claims Admitted	Claims Rejected	Secured Amount
1	Canara bank	2,13,48,47,312	2,13,48,47,312	-	2,13,48,47,312
2	Bank of Baroda	1,16,58,10,226.68	1,11,57,51,761.68	5,00,58,465	1,11,57,51,761.68

3	Bank of India	32,68,69,794.31	32,68,69,794.31		32,68,69,794.31
4	UCO Bank	13,03,03,149	13,03,03,149		13,03,03,149
TOTAL		**3,75,78,30,482**	**3,70,77,72,017**	**5,00,58,465**	**3,70,77,72,017**

6. It is also seen that the Preliminary Report and the Asset Memorandum were filed before this Tribunal on 23.12.2021.

7. In terms of Regulation 31A the Applicant duly constituted the Stakeholders' Consultation Committee (hereinafter referred to as 'SCC') and the nominees to represent in the SCC were duly intimated. The composition of the SCC is as under:

S No.	Class of Stakeholders	Number of Representatives	Details of the Representatives
1	Secured Financial Creditors	2	1. Canara Bank 2. Bank of Baroda 3. Bank of India 4. UCO Bank
2	Unsecured Financial Creditor	Nil	-
3	Workmen and Employees	Nil	-
4	Government	Nil	-
5	Operational Creditors other than Workmen, Employees and Governments	Nil	-
6	Shareholders Nil	Nil	-

8. It is submitted that pursuant to the above constitution, the 1st SCC meeting was held on 04.01.2022 wherein SCC meeting consists of four Creditors 1) Canara bank, 2) Bank of

Baroda, 3) it was resolved by the members to proceed with. Copy of the First SCC Meeting dated 04.01.2022 is annexed at ANNEXURE-B of the Application.

9. It is submitted that during the 2nd SCC meeting held on 09.02.2022. Copy of Copy of the Second SCC Meeting dated 09.01.2022 is annexed at ANNEXURE-C of the Application.

10. It is submitted that during the 3rd SCC meeting held on 28.11.2022. Copy of the Third SCC Meeting dated 28.11.2022 is annexed at ANNEXURE-D of the Application.

11. It is submitted that during the 4th SCC meeting held on 27.12.2022. Copy of the Fourth SCC Meeting dated 27.12.2022 is annexed at ANNEXURE-E of the Application.

12. It is submitted that during the 5th SCC meeting held on 04.01.2023. In the Fifth SCC Meeting Applicant apprised the Stakeholders that in the Forensic Audit conducted of the Corporate Debtor, the Final Report of the Forensic Report was received wherein no transactions were identified that qualify as avoidable transactions under sections 43, 45, 50, and 66 of the Insolvency and Bankruptcy Code, 2016. Further, there are no assets of the Corporate Debtor. Therefore, the Applicant

recommended for filing a dissolution application for the dissolution of the CD. Therefore, in the 5th SCC Meeting it was resolved to file a dissolution application under section 54 of Insolvency & Bankruptcy Code, 2016, 2016 for dissolution of CD. Further, the Applicant apprised the SCC to make the final contribution towards Corporate Insolvency Resolution Process (CIRP) and Liquidation Cost. Copy of the Fifth Stakeholders Consultation Committee Meeting dated 04.01.2023 is annexed at ANNEXURE-F.

13. It is submitted by the Applicant that the Sixth Stakeholders Consultation Committee Meeting was held on 16/05/2023. In the Sixth Stakeholders Consultation Committee, it was apprised by the Applicant that transaction based audit was conducted to find out the avoidable transactions if any in the Corporate Debtor, but since no avoidable transactions are found even after the audit, it was resolved to file dissolution application. Further, the Liquidation Value of the Corporate Debtor is **Rs. 35,787**/- being the balance available in the Bank Account of the Corporate Debtor. The Applicant further apprised that detailed working of CIRP Cost and Liquidation cost along-with their proportionate share had already been shared with the members. Therefore,

Applicant requested the members to kindly contribute towards their share of CIRP and Liquidation Cost to enable the Applicant to make payments of outstanding dues to the vendors and close the liquidation account to file a dissolution application. It was clarified by the Applicant that the Applicant will not be able to file dissolution application until and unless the contribution payable against the CIRP and Liquidation Cost is received from the Stakeholders. A copy of the Forensic Audit Report dated 20/03/2023 is annexed at **Annexure-G** of the application. Copy of the Sixth Stakeholders Consultation Committee Meeting dated 16/05/2023 is annexed at **Annexure-H** of the application. A copy of Form-H dated 15/09/2023 is annexed at **Annexure-I** of the application. A copy of the Final Report dated 15/09/2023 is annexed at **Annexure-J** of the application.

14. It is submitted by the Applicant that thereafter payment against the contribution towards CIRP and Liquidation costs were received from the SCC members on various dates. It is submitted that the Applicant has closed the Liquidation Account of the Corporate Debtor. A copy of the Certified Receipts and Payments Account is annexed at **Annexure-K** of the Application.

15. It is submitted that the Corporate Debtor had no tangible assets or prospects for recovery and has been non-functional for the past four years. The Forensics Audit for the Corporate Debtor was conducted in order to ensure that there were no diversions of funds or any other avoidable transactions during the relevant period before proceeding with the dissolution of the Corporate Debtor. According to the Forensic Audit, no transactions were identified that qualify as Avoidable Transactions under sections 43, 45, 50, and 66 of the Insolvency and Bankruptcy Code, 2016

16. There are no pending proceedings or litigation against or on behalf of the Corporate Debtor.

17. The Compliance Certificate (Form - H) as per Regulation 45 of the Liquidation Regulations is annexed along with the present Application at Annexure-I. Further, the Applicant has obtained the Auditors Report of the Financial Statements for the period ended 20.03.2023 and has placed the same on record at page 59-87. It was further submitted that all the Reports required under Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 within the lines prescribed are on record; the details of which are as follows:

S.No	NAME OF THE REPORT	DATE OF FILING WITH THIS TRIBUNAL
1.	1st Progress Report	13.02.2022
2.	2nd Progress Report and Audited Accounts of Receipts and Payments for the financial Year 2021-22	15.04.2022
3.	3rd Progress Report	15.07.2022
4.	4th Progress Report	15.10.2022
5.	5th Progress Report	16.01.2023
6.	6th Progress Report and Audited Accounts of Receipts and Payments for the Financial Year 2022-2023	15.04.2023
7.	7th Progress Report	15.07.2023

18. It is also seen that the Liquidator has annexed the detailed final report along with this Application and the Liquidator has also filed his Compliance Certificate in Form-H. The distribution as per the same is extracted as under:

Sr. No.	Stakeholders* Under Sec 53(1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed(%)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	(a): CIRP Costs	-	-	3,11,392	100%	
2.	(a): Liquidation Costs	-	-	19,38,538	100%	
3.	(b)(i): Workmen	-	-	-	-	

	dues					
4.	(b)(ii): Secured Creditors	3,75,78,30,482	3,70,77,72,017	-	0%	
5.	(c): Employees dues	-	-	-	-	
6.	(d): Unsecured Creditors	-	-	-	-	
7.	(e)(i): Government Dues	-	-	-	-	
8.	(e)(ii): Secured Creditors debts after enforcement of security interest	-	-	-	-	
9.	(f): Any remaining debt	-	-	-	-	
10.	(g): Preference Shareholde	-	-	-	-	
11.	(h): Equity Shareholders	-	-	-	-	
	Total	**3,75,78,30,482**	**3,70,77,72,017**	**22,49,930**		

19. Heard the submissions made by the Learned Counsel for the Applicant. Section 54 of the IBC, 2016 provides as follows: -

Section 54

"(1) Where the assets of the corporate debtor have been completely liquidated, the liquidator shall make an application to the Adjudicating Authority for the dissolution of such corporate debtor.

(2) The Adjudicating Authority shall on application filed by the liquidator under sub-section (1) order that the corporate debtor shall be dissolved from the date of that order and the corporate debtor shall be dissolved accordingly.

(3) A copy of an order under sub-section (2) shall within seven days from the date of such order, be forwarded to the authority with which the corporate debtor is registered."

20. 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 and in the circumstances as averred and as prayed for by the Applicant that an order for dissolution is to be passed by this Tribunal under Section 54 of the Code.

21. Accordingly, we hereby order the dissolution of the Corporate Debtor as under: -

i). The Corporate Debtor, viz., **M/s. Supreme Finefab Private Limited** having CIN No. U17119GJ1993PTC019577 stands dissolved from the date of this order as per Section 54(2) of the Insolvency and Bankruptcy Code, 2016.

ii). Consequently, the liquidator Mr. Vikas Prakash Gupta is discharged from his duties and responsibilities as the liquidator of the Corporate Debtor.

iii). The Liquidator shall preserve physical or electronic copy of the reports, registers, and books of account referred to in Regulations 45A of the IBBI (Liquidation Process) Regulations, 2016 for at least eight years after the dissolution of the Corporate Debtor, either with himself or with an information utility.

iv). The liquidator is directed to send a copy of this order to the RoC concerned and also to the IBBI within seven days from this order for information and necessary action.

22. In terms of the above, **IA(IBC)/1134(AHM)/2023** is allowed and stands disposed of.

-SD-	**-SD-**
SAMEER KAKAR **MEMBER (TECHNICAL)**	**SHAMMI KHAN** **MEMBER (JUDICIAL)**

Shubhanshu/LRA