

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, HYDERABAD

CP (IB) No.520/9/HDB/2019
Under section 9 of the IB Code, 2016
Read with Rule 6 of the Insolvency and Bankruptcy
(Application to Adjudicating Authority) Rules, 2016

In the matter of:-

M/s. SATHYA SOLUTIONS PRIVATE LIMITED

M/s. KLR Engineers Private Limited,
Regd. Office: Plot No. 6A, IDA, Phase-III,
Patancheru Mandal,
Pashammalaram,
Hyderabad- 502 307
Telangana State.

...Petitioner/
Operational Creditor

Versus

M/s. SATHYA SOLUTIONS PRIVATE LIMITED,
Regd. Office: #6-3-853/1, No.206, 2nd Floor,
Meridian Plaza,
Ameerpet, Hyderabad,
Telangana - 500 016.

...Respondent/
Corporate Debtor

Order delivered on: 04.12.2019

Coram: Shri.K.Anantha Padmanabha Swamy, Member Judicial

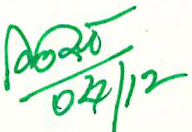
Dr.Binod Kumar Sinha, Member Technical

Parties/Counsel Present:

For the Petitioner/
Operational Creditor : *Mr.V.Ravi Kumar, Counsel.*

For the Respondent/
Corporate Debtor : *None (ex-parte).*




04/12

Per: Dr.Binod Kumar Sinha, Member Technical

ORDER

1. Under consideration is a Company Petition filed by M/s.KLR Engineers Private Limited (in short, 'Petitioner/Operational Creditor') against M/s. SATHYA SOLUTIONS PRIVATE LIMITED (in short, 'Respondent/Corporate Debtor') under section 9 of the Insolvency and Bankruptcy Code 2016 (in short, I & B Code 2016) Read with Rule 6 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (for brevity, 'IB Rules 2016').
2. The Petitioner Company is having its Regd. Office at Plot No. 6A, IDA, Phase-III, Patancheru Mandal, Pashammalaram, Hyderabad, Telangana. The Respondent/Corporate Debtor is a Company registered under the Companies Act, 1956 having its Registered Office #6-3-853/1, No.206, 2nd Floor, Meridian Plaza, Ameerpet, Hyderabad, Telangana State.
3. The learned counsel appearing on behalf of the Petitioner/Operational Creditor stated as under;
 - a) That the Corporate Debtor made purchase orders for supply of P.S. Radiators for manufacturing of Transformers from the Petitioner/Operational Creditor on credit basis via Purchase Orders on various dates in the period of Financial Year 2016-17 and Financial Year 2017-18. It is stated that the Petitioner/OC had provided the materials as ordered by the Respondent/CD and raised invoices basing on the supply of materials in the period.
 - b) The Operational Creditor states that they had provided Invoices dated "23.09.2016, 27.09.2016, 23.09.2016, 27.09.2016, 27.09.2016,27.09.2016, 27.09.2016, 27.09.2016, 27.09.2016, 27.09.2016, 27.09.2016,30.09.2016, 30.09.2016, 30.09.2016, 04.10.2016, 13.10.2016,14.10.2016, 22.10.2016, 27.10.2016, 08.11.2016, 08.11.2016,12.11.2016, 16.11.2016, 16.11.2016, 20.11.2016, 20.11.2016,21.11.2016, 29.11.2016, 30.11.2016, 07.12.2016, 10.12.2016,10.12.2016, 14.12.2016, 14.12.2016, 16.12.2016, 22.12.2016,28.04.2017, 29.04.2017, 26.06.2017, 30.06.2017,

30.06.2017,03.07.2017, 08.07.2017, 26.07.2017, 26.07.2017, 28.07.2017,29.07.2017" respectively.

- c) That the Respondent/CD has not made part payments and has failed to complete the full payments towards the debt due and payable towards the supply of materials.
- d) That on 07.03.2019, the Petitioner herein issued Demand Notice under Section 8 of the Insolvency and Bankruptcy Code, 2016 in Form-3 for an Amount of Rs.72,70,382/- (Rupees Seventy Two Lakhs Seventy Thousand Three Hundred and Eighty Two Only), but this operational creditor did not receive any reply from Respondent/CD.
4. It is stated by the Petitioner/OC that the amount claimed to be in default is Rs.76,52,218/-(Rs.50,02,562.66 with Interest as per the Invoice Rs.26,49,655/- and the date on which the defaults occurred may be treated from 23.09.2016 to 29.07.2017 that is the duration between date of first bill and date of the last bill issued.
5. The Learned Counsel for the Petitioner/Operational Creditor referred to copy of several documents attached with the application in order to prove the existence of Operational Debt and amount in default. These are as listed below:
- " i. Copy of Workings for Computation of Default Amounts.
 - ii. Copy of Board Resolution for Authorization.
 - iii. Copy of Ledger of Corporate debtor in Books of Accounts of Operational creditor and Copies of the Purchase Orders, Invoices and Delivery Challans."
6. The matter was posted for hearing on various dates from 14.08.2019 to 30.10.2019, but there has been no representation by the Respondents. This Adjudicating Authority has also ordered notices and paper publication which was carried out on 27.09.2019 by the Petitioner. However, there has been no representation on behalf of the Respondents. Having satisfied with the proof of service of notice on the Respondent/CD after making paper publication, respondent was proceeded *ex-parte* on 01.10.2019.





7. After hearing submissions of the counsel for the Petitioner/Operational Creditor and having perused the record, this Adjudicating Authority is satisfied that the Petitioner has proved its case by placing evidence that default has occurred for which the Corporate Debtor was liable to pay. The Petitioner has also placed on record proof of sending notices to the Respondent/CD for his appearance and for making submissions along with other material papers. The Petitioner has complied with all the requirements as stipulated under the provisions of the IB Code, 2016 for the purpose of initiating Corporate Insolvency Resolution Process. In these circumstances, having satisfied with the submissions made by the Petitioner/OC this Adjudicating Authority is inclined to admit the instant Petition.
8. Accordingly, the instant petition is hereby admitted and this Adjudicating Authority orders the commencement of the Corporate Insolvency Resolution Process which shall ordinarily get completed within the timelines stipulated in the IB Code, 2016 (as amended), reckoning from the day this order is passed.
9. This Adjudicating Authority hereby appoints Mr. Pavan Kankani, IBBI/IPA-002/IP-N00368/2017-2018/11062 as IRP, as his name has been proposed by the Operational Creditor and his name is also reflected in IBBI website. He has also filed his written consent in Form-2. The IRP is directed to take charge of the Respondent/Corporate Debtor's management immediately. He is also directed to cause public announcement as prescribed under Section 15 of the I&B Code, 2016 within three days from the date the copy of this order is received, and call for submissions of claim in the manner as prescribed.
10. The moratorium is hereby declared which shall have effect from the date of this Order till the completion of Corporate Insolvency Resolution Process, for the purposes referred to in Section 14 of the

I& B Code, 2016. It is hereby ordered to prohibit all of the following, namely:-

- 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 (54 of 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.*

11. However, the supply of essential goods or services of the Corporate Debtor shall not be terminated or suspended or interrupted during moratorium period. Further, the provision of Sub-section (1) of Section 14 shall not apply to such transaction, as notified by the Central Government.
12. The IRP shall comply with the provisions of Sections 13 (2), 15, 17, & 18 of the Code. The directors of the Corporate Debtor, its promoters or any person associated with the management of the Corporate Debtor is expected to extend all assistance and cooperation to the IRP as stipulated under Section 19 and for discharging his function under Section 20 of the I & B Code, 2016.
13. The Operational Creditor and the Registry are directed to send the copy of this Order to IRP so that he could take charge of the Corporate

Debtor's assets etc., and make compliance with this Order as per the provisions of I & B Code, 2016.

14. The Registry is directed to communicate this Order to the Operational Creditor and the Corporate Debtor.

15. The Registry shall also communicate this order to ROC, Hyderabad for updating the status of Corporate Debtor in MCA Website.

16. The detailed address of the IRP is as follows:-

Mr. Pavan Kankani
Address : F-45, 5-9-1121,
Agarwal Chambers, King Kothi,
West Marredpally,
Telangana - 500 001.

Cell: 9849026725

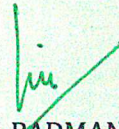
Email: ippavankankani@gmail.com

Reg. No: IBBI/IPA-002/IP-N00368/2017-2018/11062.

17. The present Petition bearing *CP(IB) No.520/9/HDB/2019* is hereby admitted.


04.12.19

Dr.BINOD KUMAR SINHA
MEMBER TECHNICAL



K.ANANTHA PADMANABHA SWAMY
MEMBER JUDICIAL