

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

**IA(IBC) No.893/KB/2021
in
CP (IB) No.1304/KB/2019**

Under section 33(1)(a) of the Insolvency & Bankruptcy Code, 2016

In the matter of:

Kamar Infrastructure Private Limited

...Operational Creditor

Versus

Sensitive Infra Private Limited
(CIN: U70102WB2014PTC202764)

...Corporate Debtor

And

In the matter of:

Nitesh Kumar More,
IRP of Sensitive Infra Private Limited

... Applicant

Order reserved on: 01/04/2022

Order pronounced on: 15/06/2022

Coram:

Shri Rohit Kapoor

: Member (Judicial)

Shri Harish Chander Suri

: Member (Technical)

Appearances (through video conferencing):

For IRP : Mr. Shaunak Mitra, Adv.
Mr. Saurav Jain, Adv.

For respondent : Mr. Rishav Banerjee, Adv.
Mr. Aishwarya Kumar Awasthi, Adv.

ORDER

Per: Harish Chander Suri, Member (Technical)

1. This Tribunal convened *via* video conference.
2. This is an application filed by the Interim Resolution Professional (in short “IRP”) seeking liquidation of the Corporate Debtor, *viz.*, Sensetive Infra Private Limited [CIN: U70102WB2014PTC202764], on the ground that no Resolution Plan has been received.
3. This Adjudicating Authority *vide* order dated 18/02/2020 on a Petition filed by Kamar Infrastructure Private Limited (*Operational Creditor*) under section 9 of the Insolvency and Bankruptcy Code, 2016 (“*the Code*”) directed initiation of the Corporate Insolvency Resolution Process (‘CIRP’) against the Corporate Debtor and appointed the Applicant herein as the Interim Resolution Professional (IRP), a copy of the order dated 18/02/2020 is annexed with the application as Annexure “A”
4. In terms of section 15 of the Code, public announcement in Form ‘A’ was published on 25/02/2020 in “*Financial Express*” (English) and “*Amar Bangla*” (Bengali), copies whereof are annexed with the application as Annexure “C”. In response to public announcement, only the petitioning operational creditor has filed its claims belatedly on 23/04/2021. CoC was formed and the first meeting of CoC was held on 16/08/2021.

5. *Vide* order dated 22/07/2021, this Adjudicating Authority had granted exclusion of total 373 days from the CIRP period thereby the CIRP period has ended on 23/08/2021.
6. We have considered the submission made by the Ld. Counsel appearing for the Applicant and perused the records.
7. This is a case where no Resolution Plan has been received and the period of CIRP has expired. Therefore, there is no alternative but to order liquidation of the Corporate Debtor.
8. This Bench, therefore, hereby orders as follows: -
 - a. IA No. 893/KB/2021 filed by Mr. Nitesh Kumar More, IRP of Sensetive Infra Private Limited, the Corporate Debtor, is allowed and the Corporate Debtor is ordered to be liquidated in terms of section 33(1)(a) of the Code.
 - b. Mr. Nitesh Kumar More, IRP [Reg. No. IBBI/IPA-001/IP-P01087/2017-2018/11785] is hereby appointed as the Liquidator as provided under section 34(4)(c) of the Code, subject, however, to his possessing a valid Authorisation for Assignment (AFA) issued by the Insolvency Professional Agency (IPA) of which he is a professional member, in terms of regulation 7A of the Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2019.
 - c. The Liquidator shall submit his consent to act as Liquidator in this matter.
 - d. The Liquidator shall initiate liquidation process as envisaged under Chapter-III of the Code and the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
 - e. Public Notice shall be issued in the same newspapers as earlier issued, stating that the Corporate Debtor is in liquidation.

- f. All the powers of the Board of Directors, and of key managerial persons, shall cease to exist in accordance with section 34(2) of the Code. All these powers shall henceforth vest in the Liquidator.
 - g. The personnel of the Corporate Debtor are directed to extend all assistance and co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
 - h. On initiation of the liquidation process but subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suit or other legal proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority, as provided in section 33(5) of the Code read with its proviso.
 - i. In accordance with section 33(7) of the Code, this liquidation order shall be deemed to be a 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.
 - j. In terms of section 33(1)(b)(iii), the Liquidator shall file a copy of this Order with the Registrar of Companies, West Bengal, Kolkata, within whose jurisdiction the Corporate Debtor is registered. Additionally, the Registry shall also forward a copy of this Order to the Registrar of Companies, West Bengal, Kolkata.
9. The application bearing **IA No. 893/KB/2021** shall stand disposed of in accordance with the above directions.
 10. **CP (IB) No. 1304/KB/2019** to come up for filing of periodical report on 16/08/2022.
-

11. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
12. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

Signed on this, 15th day of June, 2022.

hb.