



**NATIONAL COMPANY LAW TRIBUNAL
JAIPUR BENCH**
(through web-based video conferencing platform)

**Item No. 210
CP No. (IB)- 95/9/JPR/2024
Under Section 9 of IBC, 2016**

In the matter of:

Amit Vyas, Prop. Avantika

... Operational Creditor

Versus

Navya Fashions Pvt. Ltd.

... Corporate Debtor

**Coram: HON'BLE MS. REETA KOHLI, JUDICIAL MEMBER
HON'BLE MS. KAVITA BHATNAGAR, TECHNICAL MEMBER**

PRESENT:-

For the Financial Creditor : Amol Vyas, Adv.
Abhishek Purohit, Adv.

ORDER

1. The instant petition having *CP No. (IB)- 95/9/JPR/2024* has been filed by *Amit Vyas, Proprietor of Avantika* ('Petitioner'/ 'Operational Creditor') against *Navya Fashions Private Limited* ('Respondent'/ 'Corporate Debtor') under Section 9 of the Insolvency and Bankruptcy Code, 2016 ('IBC'/ 'Code') seeking initiation of the Corporate Insolvency Resolution Process ('CIRP') against *Navya Fashions Private Limited* ('Corporate Debtor'/ 'Respondent') alleging a default of Rs. 1,38,92,705/- (Rupees One Crore Thirty-Eight Lakhs Ninety-Two Thousand Sevan Hundred Five Only).
2. The Respondent is a private company limited by shares having CIN No. U18101RJ2007PTC025209, incorporated under the Companies Act, 1956 on 23.10.2007, duly registered with the Registrar of Companies, Jaipur. The Registered Office of the Company is situated at *Soniana Road, Hamirgarh,*

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Rajasthan-311011. The Authorized Share Capital of the Respondent Company is Rs. 3,05,00,000/- (Rupees Three Crores Five Lakhs Only) and the Paid-Up Share Capital is Rs. 3,04,71,550/- (Rupees Three Crores Four Lakhs Seventy-One Thousand Five Hundred Fifty Only). As the company is registered in Rajasthan, hence, it comes under the jurisdiction of NCLT, Jaipur Bench.

3. It is submitted that the Petitioner has been conducting business with the Corporate Debtor for several years, providing various types of yarn, including but not limited to 20s OE 100% Cotton, 2/40 ELI 100% Cotton, and 360D Black Lycra yarn. However, the Corporate Debtor has stopped payments of the Petitioner since the year 2023. The last supply of yarn was made on 17.06.2023 yet the Corporate Debtor has failed to pay the outstanding amount of Rs. 1,38,92,705/- and the date of default is 17.06.2023.
4. Subsequently, the Petitioner issued a notice under Section 8 of the Code in Form-3 dated 18.07.2024. The Corporate Debtor sent a reply dated 24.07.2024 to the Demand Notice dated 18.07.2024 wherein it requested the Petitioner to co-operate in financial tough time and provide 12-month time to repay the principal dues.
5. The relevant details as enumerated under Part IV of the instant Petition are reproduced hereunder:

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PART-IV

PARTICULARS OF OPERATIONAL DEBT

1.	TOTAL AMOUNT OF DEBT DETAILS OF TRANSACTIONS ON ACCOUNT OF WHICH DEBT FELL DUE, AND THE DATE FROM WHICH SUCH DEBT FELL DUE	Rs. 1,38,92,705/- (One Crore Thirty-Eight Lakhs Ninety-Two Thousand Sevan Hundred Five only). The Operational Creditor supplied various types of cotton yard and lycra yarn mainly 20s OE 100% Cotton, 2/40 ELI 100% Cotton, 360D Black Lycra to the Corporate Debtor on different dates on the basis of the Purchase Order placed by the Corporate Debtor. However, the Corporate Debtor has stopped the payment since March-2023. The last supply of the Yarn was made to the Corporate Debtor on 17.06.2023 but no payment has been made by the Corporate Debtor from March-2023 to till the date of the filing of the present petition. The debt therefore has fell due on various dates as per the invoices which provides for immediate release of payment on receipt of the invoice. Since the last supply of yarn was made on 17 th June-23 therefore, the debt in respect of last invoice fell due on the same day, i.e., on 17.06.2023.
2	AMOUNT CLAIMED TO BE IN DEFAULT AND THE DATE ON WHICH THE DEFAULT OCCURRED (ATTACH THE WORKING FOR COMPUATION OF AMOUTN AND DATES OF DEFAULT IN TABULAR FORM)	Amount claimed by Operational Creditor is Rs. 1,38,92,705/- (One Crore Thirty-Eight Lakhs Ninety-Two Thousand Sevan Hundred Five Only) and the date of default is 17 th June-2023. The computation of default in tabular chart is provided in <u>Annexure-C</u>

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6. We have heard the Ld. Counsel for the Petitioner have perused the averments made in the Petition, along with all documents annexed thereto. However, despite notice being served to the Corporate Debtor, no representation has been received on their behalf. Consequently, we are left with no option but to proceed *ex parte*.
7. In the present case, the counsel for the Petitioner has submitted that an amount of Rs. 1,38,92,705/- is stated to be in default for the supply of yarn to the Corporate Debtor. The invoices are placed on record at page no. 40 to 152 of the Petition. The Counsel further states that GST on all these invoices has already been paid, and the ledger of the Corporate Debtor is also on record. Although the accounts have not been reconciled but a reply dated 24.07.2024 to the demand notice dated 19.07.2024 has been placed on record.
8. The Corporate Debtor in a letter dated 24.07.2024 has admitted the default amount and has only expressed his inability because of financial conditions. The Corporate Debtor had requested 12 months' time for repayment of the Principal Due Amount. This letter 24.07.2024 is reply to the demand notice dated 19.07.2024. From the facts stated in the letter, it is evident that the requested 12-month period has already elapsed. The Petitioner contends that, to date, no payment has been received.
9. In view of above-mentioned facts, the debts stand acknowledged and is due and payable. Thus, all conditions under Section 9 of the Insolvency and

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Bankruptcy Code (IBC) are satisfied. Therefore, we are left with no other option but to admit the present petition.

10. Further, we hereby appoint Mr. Vijendra Bangar having registration no. IBBI/IPA-002/IP-N00688/2018-2019/12205 as Interim Resolution Professional of the Corporate Debtor from the available list of panel of Resolution Professionals as maintained by IBBI to conduct the Insolvency Resolution Process as mentioned under the Insolvency and Bankruptcy Code, 2016. The email address of the IRP is '*bangarv@gmail.com*' and Mobile No. is 9414070501.
11. The IRP is directed to take all such steps as are required under the statute, inter-alia in terms of Sections 15, 17, 18, 19, 20 and 21 of the Code and transact proceedings with utmost dedication, honesty and strictly in accordance with the provisions of the Code, and Rules and Regulations thereunder. It is directed to the Interim Resolution Professional /Resolution Professional to check the genuineness of the claim while admitting the operational dues of the Petitioner.
12. Consequences of initiation of CIRP shall be inter-alia as follows:
 - a. The IRP appointed by the Adjudicating Authority, is directed to take over the affairs of the Corporate Debtor and duties as required to be performed by him under the provisions of Code including issue of publication in widely circulated Newspapers as contemplated under

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the provisions of the Code and calling for claims from the creditors of the Corporate Debtor; and collation of the same shall be done.

- b. Further, as a sequel of admission, moratorium as envisaged under Section 14 of the Code is invoked in relation to the Corporate Debtor which will be in vogue during the CIRP of the Corporate to Debtor. The IRP shall carry out CIRP strictly as per the timelines specified and as envisaged under the provisions of the Code in relation to the Corporate Debtor.
- c. The said IRP shall act strictly in accordance with the provisions of the Code. This Bench also directs for an advance payment of Rs. 1,00,000/- (Rupees One Lakh Only) to be paid by the Petitioner to the Interim Resolution Professional immediately to initiate the process which shall be adjusted towards the initial CIRP Cost only.
- d. In terms of Section 17 and 19 of the Code all personnel of the Corporate Debtor including promoters and Board of Directors, whose powers shall stand suspended, shall extend all cooperation to the IRP during his tenure as such and the management of the affairs of the Corporate Debtor shall vest with the IRP. Also, the Corporate Debtor shall hand over Books of Accounts and Bank details of Corporate Debtor and furnish every information in their knowledge to IRP.
- e. The Registry is directed that this Order shall be communicated within three days from the date of passing of this Order to the Petitioner,



Corporate Debtor as well as the IRP appointed by this Adjudicating Authority to carry out CIRP. A copy of this order shall also be communicated to IBBI for its records.

13. Accordingly, *CP No. (IB)- 95/9/JPR/2024* is admitted.

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(Kavita Bhatnagar)
Technical Member

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(Reeta Kohli)
Judicial Member

September 26, 2025