

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, DELHI
BENCH-III**

IA-4940/2020 in CP/IB/868/ND/2019 filed
under Section 33(1) read with Section 33(2)
of the Insolvency and Bankruptcy Code,
2016.

In the matter of Spectacular Media Marketing Private Limited (CD)

Mr. Mohd. Nazim Khan, Resolution Professional for the CD.

... Applicant

Order delivered on 7th December, 2020.

CORAM:

**CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)
SHRI. NARENDRA KUMAR BHOLA, MEMBER (TECHNICAL)**

Resolution Professional:

Mr. Nazim Khan.

ORDER

CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)

1. This relates to IA- 4940/ND/2020 filed in IB/868/ND/2019 by Mr. Mohd. Nazim Khan (hereinafter referred to as 'Resolution Professional') under Section 33(1) read with Section 33(2) of the Insolvency and Bankruptcy Code, 2016. The prayer made in the Application is to pass an order of liquidation pertaining the

Corporate Debtor (CD) viz., M/s. Spectacular Media Marketing Private Limited.

2. Originally IB/868/ND/2019 filed under Section 9 of the I&B Code, 2016 by the operational creditor was admitted by this Authority vide Order dated 20.11.2019, the CIR Process was initiated against the CD and the Applicant viz., Mr. Mohd Nazim Khan was appointed as Interim Resolution Professional (IRP).

3. It is averred that pursuant to the Order of this Authority dated 20.11.2019, the IRP had taken over the management of the CD and had issued the Newspaper Publication dated 28th November 2019 in two editions one in English and another in vernacular as per Regulation 6 (1) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Debtor) Regulations, 2016, inviting the claims from the creditors. After verification of the claims received, the IRP constituted the Committee of Creditors (CoC). The applicant has convened first COC meeting on 26.12.2019, wherein the COC approved the appointment of the IRP Mr. Mohd. Nazim Khan as Resolution Professional.

4. The RP had prepared Information memorandum on 18.01.2020 under Section 29 of the Code, 2016 read with Regulation 36 of the IBBI (Insolvency Resolution Process for Corporate Person) Regulations, 2016.

5. The RP issued Form G inviting Expression of Interest (EOI) on 08.02.2020 but no resolution plan was received by the applicant/RP for Corporate Debtor.

6. The applicant has convened the second COC meeting on 15.10.2020 wherein COC being apprised that the statutory period of 180 days is likely to expire on 29.10.2020 and was decided to liquidate the Corporate Debtor.

7. The Committee Members took the decisions as follows-

(i) Resolved that the CD viz., M/s Spectacular Media Marketing Private Limited be liquidated and Mr. Mohd Nazim Khan, RP be and is hereby authorised to file an application with the Adjudicating Authority in this regard.

(ii) Mr. Mohd. Nazim Khan be appointed as the Liquidator of the CD viz., M/s. Spectacular Media Marketing Private Limited, on a

consolidated remuneration of Rs 1,50,000/- if an order for its liquidation is passed by the Adjudicating Authority under Section 33 of the IBC, 2016.

8. Since no Resolution Plan is received by this Authority under Sub-section (6) of Section 30 of the I&B Code, 2016, before the expiry of the Corporate Insolvency Resolution Process period of 180 days, the Corporate Debtor has to be ordered for liquidation.

ORDER

9. In view of the facts and circumstances recorded by Resolution Professional in IA/4940/2020 filed in IB/868/ND/2019 and in exercise of powers conferred under Sub-Clauses (i) (ii) and (iii) of Clause (a) of Sub-Section (1) of Section 33 of the I&B Code, 2016, this Authority proceeds to pass Liquidation Order as follows: -

- I. This Authority hereby orders for liquidation of the Corporate Debtor (CD) viz., M/s. Spectacular Media Marketing Private Limited, which shall be conducted in the manner as laid down in Chapter III of part II of the I&B Code, 2016;

- II. This Authority hereby appoints Mr. Mohd. Nazim Khan as Liquidator who shall issue a public announcement stating therein that the CD is in liquidation;
- III. The moratorium declared under Section 14 of the I&B Code, 2016, shall cease to have effect from the date of the order of liquidation;
- IV. Subject to Section 52 of the I&B Code, 2016, no suit or other legal proceedings shall be instituted by/or against the CD. However, a suit and other legal proceedings may be instituted by the Liquidator, on behalf of the CD, with the prior approval of this Authority.
- V. This Authority makes it clear that Para (IV) hereinabove shall not apply to legal proceedings in relation to such transactions as notified by the Central Government in consultation with any financial sector regulator.

- VI. This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the CD, except when the business of the CD is continued during the liquidation process by the Liquidator.
- VII. All the powers of the Board of Directors, Key Managerial Personnel and the Partners of the CD, as the case may be, shall cease to have effect and shall be vested with the Liquidator viz., Mr. Mohd Nazim Khan. In addition to this, the Company Liquidator shall exercise the powers and duties as enumerated in Sections 35 to 50, 52 to 54 of the I&B Code, 2016, r/w Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
- VIII. The personnel of the CD shall extend all assistance and co-operation to the Liquidator as may be required by him in managing the affairs of the CD.
- IX. The Company Liquidator shall be entitled to charge such fees for the conduct of the liquidation

proceedings as fixed by the COC, failing which in such a proportion to the value of the liquidation estate assets as specified under Regulation 4 (2) of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

X. The Liquidator is directed to communicate this order with immediate effect to the concerned Registrar of Companies, RD, OL, Registered Office of the CD for information and compliance.

10. In terms of the above, IA/4940/2020 filed in IB/868/ND/2019 by the Resolution Professional under Section 33(2) of the I&B Code, 2016, for initiation of the Liquidation Proceedings against the Corporate Debtor viz., M/s. Spectacular Media Marketing Private Limited, is **allowed**.

11. The order is pronounced through video conferencing.



(Narendra Kumar Bhola)
MEMBER (TECHNICAL)



(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)

U.D.Mehta/D