

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

4. M.A. 2907/2019
IN
C.P.(IB)-418(MB)/2017

CORAM: SHRI. H.V.SUBBA RAO, MEMBER (J)
SHRI CHANDRA BHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **20.04.2022**

NAME OF THE PARTIES: Krystal Integrated Services Pvt Ltd.
V/s.
Global Gallarie Motors Pvt Ltd

SECTION 9 OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

Mr. S.K. Jain, counsel appearing for the Applicant is present through virtual hearing.

M.A. 2907/2019

Heard the counsel appearing for the applicant in the above M.A.

Regarding the fees of the Liquidator. An affidavit has been submitted by RP on 20.12.2021 wherein he has mentioned that the Hon'ble Tribunal may be pleased to direct the COC comprising of Reliance Commercial Finance and HDFC Bank to bear the costs of the liquidation. Therefore, keeping in view the above this Bench directs that the Reliance Commercial Finance and HDFC Bank constituting 100% of COC shall bear the costs of Liquidation.

The above application is allowed detailed order follows:

List the main company petition on 24.06.2022.

Sd/-
CHANDRA BHAN SINGH
Member (Technical)

Sd/-
H.V.SUBBA RAO
Member (Judicial)

**IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III**

M.A. 2907 OF 2019

IN

TCP (IB) - 418/MB/2017

Under Section 33 of the Insolvency &
Bankruptcy Code, 2016

Filed by

Mr. Manoj ShubhKaran Jain

Resolution Professional for:

Global Gallarie Motors Private Limited

...Applicant

In the matter of

Jawaria Enterprises Private Limited

15, Krystal House, Dr. Mankikar Road,
Sion East, Mumbai - 400022

...Operational Creditor

Versus

Global Gallarie Motors Private Limited

Ploy No. 1, Mohan Mill Compound,
Ghodbunder Road, Thane (West),
Mumbai - 400607

...Corporate Debtor

Order delivered on: 20.04.2022

Coram:

Hon'ble Shri H.V. Subba Rao, Member (Judicial)

Hon'ble Shri Chandra Bhan Singh, Member (Technical)

Appearance:

For the Applicant: Dr. S.K. Jain, PCS

1. The above application M.A. No. 2907/2019 is filed by Resolution Professional, Mr. Manoj ShubhKaran Jain (hereinafter referred to as the “Applicant”) seeking liquidation of Global Gallarie Motors Private Limited (hereinafter referred to as the “Corporate Debtor”) under Section 33 of the Insolvency and Bankruptcy Code, 2016 (hereinafter called as “the Code”), praying for following reliefs:

- a. To pass an Order under Section 33 of the IBC, 2016 to initiate the Liquidation Process against Corporate Debtor;*
- b. To appoint any Insolvency Professional from the panel of IBBI to carry out Liquidation process of the Corporate Debtor;*
- c. To pass such other Order or Orders as this Hon’ble Tribunal shall deem fit and expedient.*

2. The brief facts of the application are as follows:

- A. The Applicant mentions that this Tribunal vide its order dated 23.01.2018 in Transfer Company Petition No. 418/IBC/NCLT/MB/MAH/2017 admitted the petition under Section 9 of the Code, filed by Jawaria Enterprises Private Limited (hereinafter referred to as the “Operational Creditor”) and Corporate Insolvency Resolution Process (hereinafter referred to as the “CIRP”) was initiated against the Corporate Debtor. The Applicant was appointed as the Interim Resolution Professional of the Corporate Debtor by this Tribunal.
- B. It is further stated by the Applicant that on 13.08.2018 a public announcement was made inviting claims from the Creditors of the Corporate Debtor in newspapers namely The Financial Express (English Newspaper) and Mumbai Lakshadeep (Marathi Newspaper).

- C. On 10.10.2018, in the first meeting of the Committee of Creditors (hereinafter referred to as the “CoC”) the Applicant was appointed as the Resolution Professional.
- D. The Counsel for the Applicant states that an advertisement, inviting Expression of Interest (EoI) in Form G was published on 27.03.2019 respectively Newspaper), 27.03.2019 being the last date for receipt of Express of Interest. Thereafter, the Applicant received no Expression of Interest received till the last date of submission.
- E. The Applicant further states that in the 5th CoC meeting dated 10.08.2021 the members decided to opt for Liquidation of the Corporate Debtor as there are only two members in the CoC and as there are no Response to EoI the members further decided to file an application before the Hon’ble Tribunal for Liquidation.
3. After hearing the submissions made by the Counsel appearing for the Applicant and upon perusing the material available on record, it is observed from the minutes of the 5th CoC meeting that the CoC has two members unanimously decided to liquidate the Corporate Debtor. The Applicant has requested the Bench to appoint Liquidator from the IBBI list to carry out the process of Liquidation as he cannot complete the process due to his ill health. This bench, therefore allows the above Interlocutory Application Number 2907 of 2019 and passed the following:

ORDER

1. The above I.A. No. 2907/2019 is allowed and the Corporate Debtor Vashistha Mercantile & Trading Private Limited is ordered to be liquidated.

- a. **Mr. Jayanti Lal Jain**, having Registration No. IBBI/IPA-001/IP-P01792/2019-20/12845, having email: jljain.ip@gmail.com and having contact number: (+91) 9870201926 is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.
- b. That the Liquidator for conduct of the liquidation proceedings would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016. The estimated liquidation cost to be incurred in the process of liquidation shall be incurred by the Committee of Creditors decided between the Resolution Professional and the Committee of Creditors.
- c. The Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
- d. The Liquidator appointed under section 34(1) of the Code. All powers of the board of directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the liquidator.
- e. That the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the ROC under which this Company has been registered.
- f. That the personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.

- g. That on having liquidation process initiated, 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.
- h. 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.

With the above directions, this application i.e. M.A. No. 2907 of 2019 is hereby allowed and disposed of.

Sd/-
Chandra Bhan Singh
MEMBER (TECHNICAL)

Sd/-
H.V. Subba Rao
MEMBER (JUDICIAL)