

SL. No.3

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

PHYSICAL HEARING

**CORAM: JUSTICE TELAPROLU RAJANI- HON'BLE MEMBER (J)
CORAM: SHRI. CHARAN SINGH - HON'BLE MEMBER (T)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 10.08.2023, At 02:30 PM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC)/974/2023 in CP (IB) No.232/7/HDB/2020
NAME OF THE COMPANY	Tejaswini Engineering Pvt Ltd
NAME OF THE PETITIONER(S)	Devesh Engineering Enterprises Pvt Ltd
NAME OF THE RESPONDENT(S)	Tejaswini Engineering Pvt Ltd
UNDER SECTION	7 of IBC

ORDER

IA (IBC)/974/2023

This application is allowed, vide separate orders.

**Sd/-
MEMBER (T)**

**Sd/-
MEMBER (J)**

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II, HYDERABAD**

**I.A. No. 974/2023 in
C.P. (IB) No. 232/7/HDB/2020
Under Section 54(1) of the IB Code, 2016**

In the matter of

M/s. DEVESH ENGINEERING ENTERPRISE PRIVATE LIMITED

Mr.K.J.Vinod,
Liquidator of M/s.Devesh Engineers Private Limited,
Flat No.9, Floor No.3, Block-A,
Trident Serenity,
Najundapuram Road Post,
Ramanathapuram,
Coimbatore -641 036

...Applicant/Liquidator

Date of Order: 10.08.2023

Coram:

Justice Telaprolu Rajani, Member, Judicial
Sri Charan Singh, Member, Technical

Counsel present:

For the Applicant : Mr.Mayur Mundra, Advocate
Ms.Divya Mundra, Advocate
Ms.Shreya Mundra, Advocate
Ms.Sagarika Koneru, Advocate

Heard on : 19.07.2023

Per : Bench

ORDER

1) This application is filed, seeking for dissolution of the Corporate Debtor and to discharge the Liquidator from his duty as Liquidator.

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2) The facts of the case briefly are as follows:

a) The Corporate Insolvency Resolution Process was initiated by virtue of Order No.CP(IB) No.232/7/HDB/2020 dated 19.02.2021 and moratorium was declared. Sri CS.B.Bhasker was appointed as an Interim Resolution Professional (IRP). In the Third Committee of Creditors meeting held on 13th December, 2021 it was resolved to liquidate the Corporate Debtor as the Corporate Debtor has no active interest in the market and there was no scope of business revival. Due to non-receipt of any Resolution Plan before the end of the CIRP period, an application for liquidation was filed and the same was allowed vide Order No.IA(IBC)/78/2022 filed in CP(IB) No.232/7/HDB/2020 dated 01.06.2022 appointing the Applicant Mr.K.J.Vinod as Liquidator to manage the Liquidation process, subject to approval of the Tribunal.

b) The Liquidator made a public announcement in Form-B of Schedule II attached to the IBBI (Liquidation Process Regulations 2016) on 14.06.2022 in two newspapers. The Stakeholders have submitted their claims within a period of 30 days which were verified by the Liquidator. The Liquidator prepared Preliminary Report, Asset Memorandum, List of Stakeholders, Stakeholders Consultation Committee and submitted the same to the Tribunal on 09.08.2022 well within the 45 days period stipulated under Regulation 31(2).

3) It is submitted by the Applicant that a preliminary report, inter-alia, containing the estate of the assets and liabilities was prepared and filed before the Tribunal well within the 75 days period stipulated under Regulation 13. Thereafter, Progress Reports as stipulated in Regulation 15 was also filed before the Tribunal, based on the time lines mentioned in Regulation 15.

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4) The Applicant submits that preparation and auditing of books of accounts for the entire period of liquidation has been completed and Registers are being maintained as per Regulation 6 and a list of assets which are to be liquidated as per the IBC on completion of the process, has been collated.

5) The Company does not have any immovable/movable assets (excluding some receivables) as they were sold well before the commencement of the CIRP Process.

6) The Applicant submits that the assets were determined after the formation of the Liquidation Estate, which formed the basis for the preparation of the Asset Memorandum to be filed along with the preliminary report before the Tribunal and the assets (only Financial Assets) were valued in accordance with Regulation 35 by registered valuers. Thereafter, the Applicant took steps for recovery of the receivables (Financial Assets) from various sundry debtors, including related parties of the Corporate Debtor. Further, it is submitted that the realization proceeds of Rs.2,66,340/- were only sufficient for payment of the CIRP and Liquidation costs. The financial assets identified as Not Readily Realizable Assets (NRRA) under Regulation 37A of IBBI (Liquidation) Regulations were decided to be assigned to buyers with the consent of the Stake holder's consultation committee. The Liquidator issued a public notice for assignment of NRRA on 14/12/2022. However, there were no interested buyers for purchasing the NRRA of the Corporate Debtor.

7) The following is the manner of distribution of proceeds to the stake holders:

MANNER OF DISTRIBUTION :

S.No	SECTION	PARTICULARS	AMOUNT
1	36(4)(a)(iii)	Priority Payment	NIL
2	53(a)	CIRP and Liquidation Costs	2,66,340
3	53(b)	Secured Financial Creditor	NIL
4		Wages and Unpaid Dues to Workmen	NIL
5	53(c)	Wages and Unpaid Dues to Employees other than workmen)	NIL
6	53(d)	Unsecured Financial Creditors	NIL
7	53(e)	Government Dues	NIL
8		Dues to Secured Financial Creditors (to the extent unpaid after enforcement of security interest)	NIL
9	53(f)	Remaining Dues (Operational Creditors)	NIL
10	53(g)	Preference Shareholders	NIL
11	53(h)	Equity Shareholders	NIL

8) Pursuant to the distribution of the proceeds, the Applicant herein has prepared a final report as per Regulation 45 containing details of the liquidation of the assets and the distribution of the proceeds. There are no Fixed Assets left with the Corporate Debtor. Consequently, the Applicant/Liquidator is constrained to file this Application under Section 54 to dissolve the Corporate Debtor.

9) MATTER NOT PENDING WITH ANY OTHER TRIBUNAL ETC:

The Applicant declares that the matter regarding this Application/Petition is not pending before any Tribunal of law or any other authority or any other Tribunal.

10) In view of the above submissions, the Applicant prays for the following reliefs :

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- a) Pass an order dissolving the Corporate Debtor namely M/s.Devesh Engineering Enterprises Private Limited as per Section 54 of the Insolvency and Bankruptcy Code, 2016.
- b) Pass any further order/orders as deemed fit and proper in this case to render justice.

10) We have perused the contents of the application and heard the Counsel appearing for the Liquidator. We are satisfied that the liquidation process is completed as per the procedure laid-down under IBC, 2016 and hence the dissolution as requested by the Liquidator is allowed and the Corporate Debtor shall stand dissolved.

11) In the Result, the Petition is allowed and Corporate Person shall stand dissolved from the date of this order. In exercise of the powers conferred on the Adjudicating Authority under Section 59 (7) of the Code, we hereby allow the Company Petition with the following directions:

- A. The Corporate Person, M/s. Devesh Engineers Enterprises Private Limited is hereby dissolved, with immediate effect.
- B. The Liquidator is directed to forward a copy of this order within a period of 14 days from the date of this order to the Registrar of Companies, Hyderabad, Telangana for making appropriate remarks for the Corporate Person on MCA website and Insolvency & Bankruptcy Board of India.
- C. The Liquidator is also directed to forward copies of this order to all the Statutory Authorities connected with the affairs of the Corporate Person.

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D. The Liquidator is further directed to preserve a physical or electronic copy of reports, registers, books of accounts referred to in Regulation 8 and 10 for at least 8 years after the dissolution of the Corporate Person, either with himself or with the information utility.

Accordingly, this **I.A. No. 974/2023 in C.P. (IB) No. 232/7/HDB/2020** is allowed and disposed of.

Sd/-
(Charan Singh)
Member, Technical

Sd/-
(Justice Telaprolu Rajani)
Member, Judicial