

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

COURT – IV

24.

IA-4155(MB)2023
IN C.P. (IB)/43(MB)2020

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **17.10.2023**

NAME OF THE PARTIES:

State Bank Of India

Vs

Vindhyavasini Steel Products Private
Limited

SECTION: 7, 33(1) OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

1. Mr. Vaibhav Kamble, Ld. Counsel for the Liquidator/Applicant present.
2. This is an application filed by Mr. Naren Sheth, Resolution Professional of the Corporate Debtor seeking liquidation of Vindhyavasini Steel Products Private Limited under Section 33(2) of Insolvency and Bankruptcy Code, 2016 (hereinafter called as the "Code").

Brief facts of the Application are as follows:

3. This Tribunal vide an order dated 12.04.2023, in Company Petition bearing C.P.(IB)-43(MB)/2020 filed under Section 7 of the Code, by State Bank of India (hereinafter referred to as the "Financial Creditors"), admitted the petition and Corporate Insolvency Resolution Process (CIRP) was initiated against Vindhyavasini Steel Products Private Limited [CIN:

U27310MH2011PTC222526] (hereinafter called as the “Corporate Debtor”). The applicant was appointed as Interim Resolution Professional by this Tribunal vide order dated 12.04.2023 and was confirmed as Resolution Professional in the second CoC meeting held on 19.06.2023.

4. The Applicant further submits that on 28.06.2023 he published Form G, inviting Expression of Interest (EoI) from prospective resolution applicants under, section 30(6) of the Code. Last date for the submission of EoI was 12.07.2023.
5. The Applicant further submits that as there being no Successful Resolution applicants, the CoC in its 3rd meeting held on 21.07.2023, resolved to initiate liquidation proceedings against the Corporate Debtor. The resolution was passed with 100% voting of the CoC. The same are reproduced below:

“RESOLVED FURTHER THAT Pursuant to the Section 33(2) of the Insolvency and Bankruptcy Code, 2016, the approval of Committee of Creditors of VINDHYAVASINI STEEL CORPORATION PRIVATE LIMITED be and is hereby accorded to liquidate the Corporate Debtor.

“RESOLVED FURTHER THAT Mr. Naren Sheth, (IP/P-00133-IBBI/IPA-001/IP 00133/2017-18/10275) Resolution Professional be and is hereby authorized to initiate the Adjudicating Authority (Hon’ble NCLT, Mumbai Bench) of the decision of the CoC and to do all the necessary acts for giving effect to the aforesaid resolution”

6. Considering the facts and circumstances as submitted by the Applicant in the Application and Counsel appearing for the Applicant, the Bench is of the considered view that the Corporate Debtor be liquidated. Accordingly, this Bench orders that:

- a. IA-4155(MB)2023 IN C.P. (IB)/43(MB)2020 filed by the Applicant for the Liquidation of the Corporate Debtor viz. Vindyasini Steel Products Private Limited is **allowed** and the company to be liquidated in the following manner:
- b. Though the CoC recommended the present RP to be appointed as Liquidator, this Bench considers to appoint another Insolvency Professional from the panel approved by the IBBI. Accordingly, this Bench hereby appoints Mr. Rajesh Ramesh Kamath having Registration No. IBBI/IPA-001/IP-P-01606/2019-2020/12481 (email: iprrkamath@gmail.com, Mob. 9323597915) as the Liquidator as provided under Section 34(1) of the Code to conduct the liquidation process of the Corporate Debtor.
- c. 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.
- d. 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.
- e. The Liquidator appointed under Section 34(1) of the Code, will have all powers of the Board of Directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, hereafter ceased to exist and henceforth be vested with the Liquidator.
- f. 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.
- g. 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.
 - h. 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 proceedings on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority.
 - i. This liquidation order u/s 33(7) 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.
7. With the above directions, the IA-4155(MB)2023 IN C.P. (IB)/43(MB)20209 filed u/s 33(2) by the Applicant is hereby **allowed** and disposed of.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)