



S.No.1

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH – 1
VC AND PHYSICAL (HYBRID) MODE
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON
12-08-2024 AT 10:30 AM**

**CP(IB) No. 15/9/HDB/2021
AND
IA (IBC) (Dissolution) 10/2024 in CP(IB) No. 15/9/HDB/2021
u/s. 9 of IBC, 2016**

IN THE MATTER OF:

Dugar Polymers Ltd

...Operational Creditor

AND

Maruti Tubes Pvt Ltd

...Corporate Debtor

C O R A M:-

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

ORDER

IA (IBC) (Dissolution) 10/2024

Orders pronounced. **In the result, this company Petition is allowed**, subject to the terms specified in the order. Since the company is dissolved, the files may be consigned to records.

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)



**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH-1**

**IA (Diss) No.10/2024
IN
C.P.(IB)-15/09/HBD/2021**

Application u/s 54 (1) of the IBC, 2016

IN THE MATTER OF

DUGAR POLYMERS LIMITED

Versus

MARUTHI TUBES PRIVATE LIMITED

Filed by

MR. BONDALAPATI SRINIVASA RAO
Liquidator for Maruthi Tubes Private Limited
... APPLICANT/LIQUIDATOR

Date of order: 12.08.2024

Coram:

Dr. N.Venkata Ramakrishna Badarinath,
Hon'ble Member Judicial

Shri Charan Singh,
Hon'ble Member Technical

Appearance:

For Applicant: Shri Bendi Raviteja, Advocate

**PER: BENCH
O R D E R**

1. The present application is being filed by the Liquidator of M/s Maruthi Tubes Private Limited (hereinafter referred to as "Corporate Debtor/ Company") seeking dissolution of the Corporate Debtor as per Section 54 (1) of the Insolvency



and Bankruptcy Code, 2016, (hereinafter referred to as “IBC/ Code”).

- 2.1 To put it concisely, this Tribunal on 10 November 2021 admitted the Petition filed by the M/s Dugar Polymers Limited (Operational Creditor), under Sec.9 of the Insolvency and Bankruptcy Code, 2016, and ordered Corporate Insolvency Resolution Process (CIRP) by appointing Shri. Bondalapati Srinivasa Rao as Interim Resolution Professional who was later confirmed as Resolution Professional.
- 2.2 Pursuant to publication of notice inviting claims from the Creditors of the Corporate Debtor, the IRP after collating and verifying claims, constituted Committee of Creditors (CoC) with sole member i.e., State Bank of India.
- 2.3 In the second CoC meeting held on 02 February 2022, the COC after due deliberations and discussions, with 100% voting, resolved to go for liquidation of the Corporate Debtor as all the machinery, factory, land building of Corporate Debtor was sold and paid to the Financial Creditor of the Corporate Debtor and only one asset was left in the name of the Corporate Debtor. Accordingly, this Tribunal allowed liquidation vide order dated 31.03.2022.
- 2.4 On commencement of the Liquidation, in pursuance to Regulation 12 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 (“Liquidation Regulations”), the Applicant made a Public Announcement on 30 April 2022 in One English Newspaper (Financial



- Express) and Regional Language Newspaper (Telugu-
Mana Telangana)., inviting claims from stakeholders.
- 2.5 Further, as per Regulation 13 of IBBI (Liquidation Process),
Regulations, 2016 Liquidator had filed a Preliminary
Report dated 13 July 2022 and as per Regulation 34 of
IBBI (Liquidation Process), Regulations, 2016 Liquidator
had filed Asset Memorandum Report *vide* report dated 13
July 2022.
- 2.6 That in accordance with the Regulation 30 of IBBI
(Liquidation Process) Regulations, 2016, Liquidator
verified the claims from the creditors and circulated the
List of Stakeholders with the Stakeholders. Accordingly,
the Liquidator constituted Stakeholders Consultation
Committee as per Regulation 31A of the IBBI (Liquidation
Process) Regulations, 2016 on 29 June 2022.
- 2.7 During the liquidation process, the Applicant had received
claims from the stakeholders and the details of the claims
are as stated below:

List of Claims of Financial Creditors (As on 31 March 2022
i.e., Liquidation Commencement Date)

S.No.	Name of the Stakeholder	Nature of Stakeholder	Amount Claimed (INR)	Amount Admitted (INR)
1.	State Bank of India	Secured Creditor	6,55,73,072.62	6,55,73,072.62
TOTAL			6,55,73,072.62	6,55,73,072.62



**List of Claims of Operational Creditors (Other than
Workmen & Employees)**
(As on 31 March 2022 i.e., Liquidation Commencement Date)

S.No.	Name of the Stakeholder	Nature of Stakeholder	Amount Claimed (INR)	Amount Admitted (INR)
1.	Durga Polymers Limited	Unsecured Creditor	1,86,26,200	1,86,26,200
2.	Srujana Engineers India Private Limited	Unsecured Creditor	21,89,992	21,89,992
3.	Employees' State Insurance Corporation	Unsecured Creditor	3,06,741	3,06,741
TOTAL			2,11,22,933	2,11,22,933

Copy of List of Stakeholders dated 29 June 2022 is annexed and marked as **Exhibit - A.**

2.8 Pursuant to the provisions of the Liquidation Regulations, 2016, the Applicant submitted the following reports with this Tribunal:

Sr No	Progress Report for Quarter ended	Submission date
1	30 June 2022	14 July 2022
2	30 September 2022	13 October 2022
3	31 December 2022	13 January 2023
4	31 March 2023	26 June 2023



5	30 June 2023	15 July 2023
6	30 September 2023	08 January 2023
7	31 December 2023	08 January 2023

- 2.9 Pursuant to E Auction sale notice issued on 02 August 2022 in Financial Express and Mana Telangana for sale of only asset available, the Applicant received 4 Bids viz., (i) Khatija Begum, (ii) Lakshmi Kotikalapudi, (iii) Mohd Amair and (iv) Deekonda Anil.
- 2.10 In the E-auction held on 18th August 2022, Mr. Mohd Amair submitted the bid at Rs. 33,75,000/- (Rupees Thirty-Three Lakhs Seventy-Five Thousand Only) and was declared as successful bidder and the Liquidator issued Letter of Intent to pay the bid amount.
- 2.11 The Applicant from the receipts of the sale of Land and Building, during the quarter ended on 31 December 2022, distributed INR 29,12,125/- (Rupees Twenty-Nine Lakhs Twelve Thousand One Hundred and Twenty-Five Only) to State Bank of India on 30 November 2022. Further, as per Regulation 42 (3) of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, the Insolvency Resolution Process Costs, if any, and the Liquidation costs were deducted before such distribution is made.



2.12 The Applicant submits that the following is the distribution of realized value to the stakeholders as per Section 53 of the Code:

Sr. No.	Name of the Stakeholder	Nature of the Stakeholder	Claim Admitted (INR)	Date of Distribution	Amount of Recovered (INR)	Recovery Rate
1.	State Bank India	Secured Financial Creditor	6,55,73,072.62	30 November 2022	29,12,125	4.44%
TOTAL			6,55,73,072.62		29,12,125	4.44%

2.13 The Applicant submits that the following is the Liquidation Process Cost:

Amount in INR

S.NO.	PARTICULARS	LIQUIDATION PROCESS COST
1	Bank Charges	1,359
2	Valuation Fees	18,000
3	Public Announcement expenses	15,288
4	E-Auction Fee	3,540
5	Legal Counsels Expenses*	1,60,688
6	NCLT Fees	1,000
7	Liquidator/RP Professional Fee	3,00,000
8	Professional fees	20,000
TOTAL		4,72,875

2.14 Pursuant to Regulation 45 of the Insolvency and Bankruptcy Board of India (Liquidation Regulations), 2016, the Applicant had filed a report prior to dissolution with this Tribunal on 08th January 2024 which comprises the following details:



- a. Conduct of the Liquidation Process
- b. Report dealing with the assets of the Corporate Debtor
- c. Statement of distribution of liquidation value to the stakeholders as per section 53 of the Code.

Copy of the Final report prior to dissolution submitted to this Tribunal is annexed to the Application and marked as

Exhibit-2.

- 2.15 The Applicant submits that the assets of the Corporate Debtor have been completely liquidated, as such this application is filed by the Liquidator seeking order of dissolution of the Corporate Debtor under section 54 of the Code.
3. We heard Shri Bendi Raviteja, Ld. Counsel for the Liquidator and perused the record.
4. At the outset, we refer to Section 54 of the IBC lays down the criteria for dissolution of the Corporate Debtor.

54-Dissolution of Corporate Debtor.

- (1) *Where the assets of the corporate debtor have been completely liquidated, the liquidator shall make an application to the Adjudicating Authority for the dissolution of such corporate debtor.*
- (2) *The Adjudicating Authority shall on application filed by the liquidator under sub-section (1) order that the corporate debtor shall be dissolved from the date of that order and the corporate debtor shall be dissolved accordingly.*



(3) A copy of an order under sub-section (2) shall within seven days from the date of such order, be forwarded to the authority with which the corporate debtor is registered.

5. Regulation 45 of Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016 reads as under:-

Regulation 45: Final report prior to dissolution.

(1) When the corporate debtor is liquidated, the liquidator shall make an account of the liquidation, showing how it has been conducted and how the corporate debtor's assets have been liquidated.

(2) If the liquidation cost exceeds the estimated liquidation cost provided in the Preliminary Report, the liquidator shall explain the reasons for the same.

(3) The liquidator shall submit an application along with the final report and the compliance certificate in form H to the Adjudicating Authority for – (a) closure of the liquidation process of the corporate debtor where the corporate debtor is sold as a going concern; or (b) for the dissolution of the corporate debtor, in cases not covered under clause (a).]

6. We have gone through the Final Report filed by the Liquidator and compliance certificate in Form-H. The date of commencement of liquidation is 31.03.2022. According to the Liquidator, the only asset available with the Company has been sold to Mr. Mohd Amair for



Rs. 33,75,000/-in the E-auction held on 18th August 2022. As per Form-H, the value of the Liquidation Estate is Rs. 33,50,000/- and the amount realised is Rs. 33,75,000/-. Out of the realised amount, the first distribution of Rs. 29,12,125/- was made to the SBI/Financial Creditor on 30.11.2022.

7. The Liquidator stated that when there is nothing left to recover or realise, it is a futile exercise to continue with the Liquidation Proceedings. Hence prayed this Tribunal to order dissolution of the Corporate Debtor Company.
8. We are satisfied that the criteria laid down under law has been fully complied with. As such, the Corporate Debtor is liable to be dissolved. Hence, we hereby order dissolution of the Corporate Debtor as under: -
 - 8.1 *The Corporate Debtor/**MARUTHI TUBES PRIVATE LIMITED** stands dissolved from the date of this Order, in terms of Section 54(1) of IBC, 2016, and the Liquidator stands relieved.*
 - 8.2 *The Liquidator is directed to send the copy of this Order within 7 days from the date of pronouncement to the Registrar of Companies, Hyderabad.*
 - 8.3 *Upon dissolution of the Corporate Debtor, the records of the Company which are in possession of the Liquidator, be handed over by the Liquidator to the IBBI.*



- 8.4 *The Registry is also directed to communicate this order to the Registrar of Companies, Hyderabad for updating the master data.*
- 8.5 *A copy of this order be also forwarded to the Insolvency & Bankruptcy Board of India, New Delhi.*
- 8.6 *In terms of the above, IA (Diss) No. 10 of 2024 filed by the Liquidator appointed for M/s **MARUTHI TUBES PRIVATE LIMITED** (Corporate Debtor) for dissolution of the Company under Section 54 (1) of IBC, 2016 stands disposed of accordingly. Since the Corporate Debtor stood dissolved vide this order and no proceedings are now pending, therefore, the Registry is directed to consign the file to records.*

SD/-

SD/-

(Charan Singh)
MEMBER (TECHNICAL)

(Dr. N.Venkata Ramakrishna Badarinath)
MEMBER (JUDICIAL)

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