

THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH: C-IV

IA-5377(MB)2023 IN C.P. (IB)/912(MB)2022

Under Section 33(1) of Insolvency &
Bankruptcy Code, 2016.

Mr. Rajeev Mannadiar

...Resolution Professional/
Applicant

In the matter of

HDFC Bank Limited

...Financial Creditor

Vs.

Eurolife Healthcare Private Limited

...Corporate Debtor

Ordered pronounced on: **19.12.2023**

Coram:

Ms. Anu Jagmohan Singh
Hon'ble Member (Technical)

Shri Kishore Vemulappalli
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Applicant/RP/Liquidator

: Mr. Abdullah Qureshi
a/w Ms. Malavika Sahin,
Adv.

ORDER

1. This is an application filed by Mr. Rajeev Mannadiar, Resolution Professional of the Corporate Debtor seeking liquidation of PME

Infratech Private Limited under Section 33(1) of Insolvency and Bankruptcy Code, 2016 (hereinafter called as the “Code”).

Brief facts of the Application are as follows:

2. This Tribunal vide an order dated 09.05.2023, in Company Petition bearing C.P.(IB)/912(MB)2022 filed under Section 7 of the Code, by HDFC Bank Limited (hereinafter referred to as the “Financial Creditor”), admitted the petition and Corporate Insolvency Resolution Process (CIRP) was initiated against Eurolife Healthcare Private Limited [CIN: U51900MH1987PTC043106] (hereinafter called as the “Corporate Debtor”).
3. Mr. Rajeev Mannadiar was appointed as Interim Resolution Professional (IRP) by this Tribunal vide order dated 09.05.2023. The applicant was appointed as Interim Resolution Professional by this Tribunal vide order dated 09.05.2023 and was confirmed as Resolution Professional in the first CoC meeting held on 07.06.2023.
4. Form G inviting Expression of Interest (EoI) from prospective resolution applicants under, section 30(6) of the Code was published on 10.07.2023 and the last date for submission of Expression of Interest was 28.07.2023.
5. Counsel for the applicant submits that 29 EOIs received in response to the aforesaid Form-G, out of which 28 formed the part of the final list of PRAs, only one PRA, related party, submitted a resolution for the Corporate Debtor. It was further submitted that the main reason for the disinterest of the PRAs is the complexities attached to the assets of the

Corporate Debtor which were revealed in the information memorandum and during factory visits.

6. In the Fifth meeting of the CoC held on 03.11.2023, the members considered recommending liquidation of the Corporate Debtor in agenda Item No.10. The same are reproduced below:

"Resolved that consent of members of CoC be and is hereby accorded to approve the Liquidation of the Corporate Debtor Sub-Section (1) (b) of Sec 33 of the Insolvency and Bankruptcy Code, 2016 and any other applicable provisions if any.

Resolved further that pursuant to Reg 39BA and other applicable provisions the possibility of exploring a compromise or arrangement as referred to under sub-regulation (1) of regulation 28 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016 is not be considered".

"Resolved further that pursuant to Sec 39C and other applicable provisions the Liquidator may first explore the sale of the Corporate Debtor as a going concern under clause (e) of regulation 32 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 or sale of the business of the corporate debtor as a going concern under clause (f) thereof in respect of each of the units viz., Roorkee-1, Roorkee-2, Alathur & Waluj, and the financial assets of the Corporate Debtor."

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH: C-IV

IA-5377(MB)2023 IN C.P. (IB)/912(MB)2022

"Resolved further that the RP is hereby authorised to take such steps as may be necessary in relation to the filing of the application for liquidation with the Hon'ble NCLT, Mumbai Bench."

7. In the present case, the CoC via E-voting Poll Result resolved with the majority of 100% of the votes to proceed with the liquidation of the Corporate Debtor.
8. The Applicant further submits that the CoC in its 6th meeting conducted on 04.12.2023, and voted with 100% in favour of the Resolution to appoint Mr. Krishna Chamadia, having Registration No. IBBI/IPA-001/IP-P00694/2017-2018/11220 as liquidator of the Corporate Debtor. Written consent to act as a Liquidator has been given by proposed Liquidator Mr. Krishna Chamadia which is annexed to additional affidavit filed on 08.12.2023 as exhibit B. Further, this bench is also notes that as per the IBBI website the AFA certificate No. AA1/11220/02/081124/106278 issued to Mr. Krishna Chamadia is valid up to 08.11.2024.
9. Considering the facts and circumstances of the present case, the Bench is of the considered view that the Corporate Debtor be liquidated. Accordingly, this Bench orders that:
 - a. IA-5377(MB)2023 IN C.P. (IB)/912(MB)2022 filed by the Applicant for the Liquidation of the Corporate Debtor viz. Eurolife Healthcare Private Limited is **allowed** and the company to be liquidated in the following manner:

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- b. Mr. Krishna Chamadia, having Registration No. IBBI/IPA-001/IP-P00694/2017-2018/11220, (email: krishna@sphereadvisory.com) is appointed 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

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH: C-IV

IA-5377(MB)2023 IN C.P. (IB)/912(MB)2022

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.

10. With the above directions, the IA-5377(MB)2023 IN C.P. (IB)/912(MB)2022 for **Liquidation** of the Corporate Debtor is hereby **allowed** and disposed of.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Suresh 19.12.2023

Sd/-
Kishore Vemulappalli
Member (Judicial)