IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH
COURT – IV

16. IA 2285/2021
IN
C.P. (IB)/2495(MB)2018

CORAM:

SHRI RAJESH SHARMA
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **11.04.2022**

Name of the Parties: Glance Investments India Pvt. Ltd.
Vs.
Lexcorp Advisory Services Pvt. Ltd.

Section 7, 33 (1) (B) of the Insolvency and Bankruptcy Code, 2016

ORDER

The Court is convened through Video Conference.

IA-2285/2021

1. Mr. Pranav Avhad, Ld. Authorised Representative for the Applicant/ Resolution Professional present.
2. This is an application filed by Mr. Amit Chandrakant Pandya, Applicant/ Resolution Professional, seeking liquidation of Lexcorp Advisory Services Private Limited, (hereinafter referred as “Corporate Debtor”) under Section 33(1) (a) and 34(1) of Insolvency and Bankruptcy Code, 2016 (hereinafter called as “the Code”).
3. That this Tribunal vide an order dated 01.02.2021 in Company Petition No. 2495 of 2018 admitted the Petition under Section 7 of the Code, filed by Glance Investments India Private Limited (hereinafter referred to as the “Financial Creditor”) and Corporate Insolvency Resolution Process (CIRP) was initiated against the Corporate Debtor.

The Applicant herein was appointed as the Interim Resolution Professional (IRP) of the Corporate Debtor by this Tribunal vide this Order.

4. The applicant submits that in the 1st CoC meeting which was held on 04.03.2021 wherein Applicant informed that he received one claim from Financial Creditor amounting to Rs. 2,83,26,103/- to the same constituted CoC.

5. The applicant submits that the Copy of Information Memorandum (IM) under Regulation 36 (1) was circulated with the CoC Members and the same was signed by the CoC Members in order to maintain the confidentiality of the IM, the same was hand delivered on 25.03.2021.

6. The applicant submits that two registered Valuers were appointed by issuing appointment letters dated 18.03.2021 one in the name of Mr. Jigar Shah (Registration No. IBBI/RV/06/2019/10657) and Mr. Ganesh Venkata Siva Ram Krishna Remani (Registration No. IBBI/RV/07/2020/12956) to conduct the valuation of Corporate Debtor.

7. The Applicant submits that, the published Form-G on 10.04.2021 in the newspapers namely: The Financial Express (in English Language) and Navshakti (in Marathi). However, the last date of receipt of EOI was April 25, 2021, the last date for submission of Resolution Plans was June 6, 2021. No EOI/Resolution Plan/ Response were received from any one till date.

8. The Applicant has informed the CoC in its 2nd CoC meeting dated 28.07.2021 that the Valuation Reports were received by both the

Valuers on 20.5.2021 and 21.05.2021 and the same were accepted by the CoC.

9. The Applicant submits that, as there was no EOI received, the CoC had following two options:

   A. To Publish fresh invitation to seek fresh bids towards expression of Interest and Resolution Plan from prospective Applicants.
      Or

   B. To approve liquidation proceedings against the Corporate Debtor.
      "RESOLVED that Mr. Amit Chandrakant Pandya, the Resolution Professional for the Corporate Debtor, be and is hereby authorised to file an application at the earliest, with the appropriate adjudicating authority for commencement of liquidation proceedings in respect of the Corporate Debtor as per the provisions u/s 33 of the IBC, 2016."

10. The Applicant submits that the CoC approved option-B.

11. Mr. Amit Chandrakant Pandya is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.

12. Estimates of Liquidation Costs:

Sr. No.	Particulars	Amount in Rs.
1.	Liquidation Fees	1,00,000/-
2.	RP Cost (CIRP)	1,00,000/-
3.	Storage of Books and other documents	1,00,000/-
4.	Legal Professional Charges	50,000/-
5.	Audit Fee	50,000/-
6.	Miscellaneous including General Office Expenses, ROC filings, General Counsel for Liasioning, follow-up and Closure out of pocket expenses etc.	50,000/-
	Total	4,50,000/-

13. The Applicant/ RP filed Additional Affidavit on 02.11.2021, the Applicant submits as under:-

a. The Applicant had presented the comparative data of the financial statements of the Corporate Debtor for previous five Financial Years viz 2016-17, 2017-18, 2018-19, 2019-20 and 2020-21.

b. The Applicant submitted that the Consolidated Bank Statement of the Corporate Debtor from 1st September 2021 to 30th September 2021- Bank of India and HDFC Bank.

14. Considering the facts and circumstances as submitted by the Counsel appearing for the RP, the Bench is of the considered view that the Corporate Debtor be liquidated. Accordingly, this Bench orders that -

a. IA No. 2285 of 2021 filed by the Applicant for the liquidation of Lexcorp Advisory Services Private Limited is allowed.

b. Mr. Amit Chandrakant Pandya, Resolution Professional having Registration No. IBBI/IPA-001/IP-P01806/2019-2020/12760 hereby appointed as the Liquidator to conduct liquidation process of Lexcorp Advisory Services Private Limited as provided under Section 34(1) of the Code.

c. The Liquidator would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016 to conduct the liquidation proceedings.

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, shall cease to have effect and shall be vested with the Liquidator.

f. 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.

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. That on having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceedings 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.

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.

j. With the above directions, the IA-2285/2021 in CP(IB)-2495(MB)/2018 filed u/s 33(1) by the Applicant is hereby **allowed** and disposed of.

Sd/-

KISHORE VEMULAPALLI
Member (Judicial)

Sd/-

RAJESH SHARMA
Member (Technical)

/skd/