IN THE NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI COURT-III

IA-3528/2021

In

IB – 1410(ND)/2018

Order under Section 54 of the Insolvency and Bankruptcy Code, 2016 read with Regulation 45(3)(b) of the Insolvency and Bankruptcy Board of India (Liquidation Process), Regulations, 2016.

IN THE MATTER OF:

M/s. RAM SWARUP NATHI MAL ...... Operational Creditor

VERSUS

M/s. KHAIRWALA INTERNATIONAL LIMITED

.... Corporate Debtor

AND IN THE MATTER OF:

Mr. Harjeet Singh Rekhi

Liquidator of M/s. Khairwala International Limited

...... Applicant/Liquidator

Order Pronounced On: 24.11.2023

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

APPEARANCES

For the Applicant : Ms. Honey Satpal, Adv.

ORDER

PER: ATUL CHATURVEDI, MEMBER (TECHNICAL)

1. This Application has been filed by the Liquidator of M/s. Khairwala International Limited, the Applicant on 14.07.2021 before this Adjudicating Authority under Section 54 of the Insolvency and

Bankruptcy Code, 2016 ("IBC" or "Code") r/w Regulation 45(3)(b) of the Insolvency and Bankruptcy Board of India (Liquidation Process), Regulations, 2016 ("Liquidation Process Regulations") seeking appropriate orders for dissolution of the Corporate Debtor, for seeking following reliefs:

a. *"Allow the present application;*
b. *Pass an order of dissolution of the Corporate Debtor in accordance with Section 54 of the Insolvency and Bankruptcy Code, 2016;*
c. *To grant any other relief as may deem fit in the interest of justice;"*

2. The Corporate Debtor namely M/s. Khairwala International Limited was incorporated on 22.02.1993 as a Company Limited by Shares (Non- govt. Company) having CIN: U51900DL1993PLC052248 under the erstwhile Companies Act, 1956 with the Registrar of Companies, NCT of Delhi and Haryana. The Authorised Share Capital of the Corporate Debtor is Rs. 2,00,00,000 /- (Rupees Two Crores Only) and the Paid-up Share Capital of the Corporate Debtor is Rs. 1,60,80,300/- (Rupees One Crore Sixty Lakh Eighty Thousand and Three Hundred Only).
3. This Adjudicating Authority vide order dated 09.05.2019 admitted the Corporate Debtor under Corporate Insolvency Resolution Process ("CIRP") including appointing of Mr. Harjeet Singh Rekhi as an Interim Resolution Professional. Subsequently, his appointment was confirmed as Resolution Professional.
4. During the 5th CoC meeting dated 31.10.2019, the CoC resolved for liquidation of Corporate Debtor, in view of the fact that no resolution plan was received. Pursuant to the decision of the CoC, the Applicant filed the application seeking liquidation of the Corporate Debtor before this Adjudicating Authority. This Adjudicating Authority was pleased to allow the liquidation application vide order dated 26.11.2019 including appointing of

the Applicant as the Liquidator. Thereafter, the applicant made public announcement on 28.11.2019 and received various claims.

5. The Applicant constituted consultation committee in accordance with Regulation 31A of the Liquidation Process Regulation consisting of Punjab National Bank, M/s. Ram Swarup Nathi Mal and Office of Deputy Commissioner of Commercial Tax.
6. The Applicant made public announcement of auction for sale of the assets of Corporate Debtor on 12.02.2020, 25.02.2020, 17.06.2020, 15.08.2020, 06.09.2020 and the realization from the sale of asset has been distributed to the stakeholders in accordance with the provision of Section 53 of IBC, 2016.
7. The Preliminary Report in terms of Regulation 13 of the Liquidation Process Regulations is filed along with the Application.
8. The Final Report in terms of Regulation 45(3) of the Liquidation Process Regulations is filed along with the Application.
9. It is submitted by the Applicant/Liquidator that the entire process of liquidation is completed within the time as provided under the Code.
10. The Applicant/Liquidator has filed a Compliance Certificate in the prescribed Form, i.e. **Form-H** in compliance with the Liquidation Process Regulations.
11. **Valuation of the Corporate Debtor**

    As per the Form-H, the average fair and liquidation value of the assets of the Corporate Debtor are as follows:

    The Average Fair Value of the Corporate Debtor is Rs. 49,34,25,272/- and the Average Liquidation Value of the Corporate Debtor is Rs. 34,03,77,806/-.
12. The Present Interlocutory Application appears to be bonafide and in the interest of the Corporate Debtor and to enable the Applicant to perform his duties under the Code.
13. Upon hearing the Applicant/Liquidator and on perusal of the documents annexed to all the applications, it appears that the affairs of the Corporate Debtor have been completely wound up and

its assets have been completely liquidated. In view of the above facts and circumstances, there is no impediment to the Corporate Debtor being dissolved.

14. In the above circumstances, this Adjudicating Authority finds that it would be just and proper to order for the dissolution of the Corporate Debtor as per Section 54 of the Code.

    Hence, **IA-3528/2021** stands **allowed** and the Corporate Debtor is ordered to be **dissolved**.

15. The Liquidator is further directed to serve a copy of this order upon the Registrar of Companies, NCT of Delhi and Haryana, immediately and, in any case, within fourteen days of receipt of this order. The Registrar of Companies shall take further necessary action upon receipt of a copy of this order.
16. The Liquidator shall stand discharged from his responsibilities, subject to procedural compliances. The Corporate Debtor stands dissolved from the date of this Order.
17. **IA-3528/2021** and **IB-1410(ND)/2018** shall stand disposed of in accordance with the above directions. All connected applications are also closed accordingly.
18. A certified copy of this order may be issued, if applied for, upon compliance with all requisite formalities.
19. File be consigned to the record.

    No order as to costs.

Sd/-

(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-

(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)