

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH
(Video Conference)**

**PRESENT: JUSTICE TELAPROLU RAJANI – MEMBER JUDICIAL
ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 13.04.2022 AT 10.30 AM**

TC/CP. Nos.	CA/IA No.	Section/ Rule	Name of Parties
CP(IB)No.44/7/AMR/2020	IA(IBC)/47/2022	33(1) of IBC	Krishna Mihan Gollamudi (RP) in the matter of Sree Naidu Beverages Private Limited

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

ORDER

IA(IBC)/47/2022 is allowed, vide separate orders.



**JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL**

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH AT HYDERABAD**

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IA No. 47/2022

IN

CP (IB) No. 44/7/AMR/2020

**Under Section 33(1) (a) & 34(1) of the Insolvency and Bankruptcy
Code, 2016**

**In the matter of
M/s. SREE NAIDU BEVERAGES PRIVATE LIMITED**

Between:

Mr. Krishna Mohan Gollamudi,
Resolution Professional for
M/s. Sree Naidu Beverages Private Limited,
F26, Raghava Ratna Towers,
Chirag Ali Lane, Abids,
Hyderabad – 500001.

... Applicant/ Resolution Professional

Date of Pronouncement of Order: 13.04.2022

CORAM:

Justice Telaprolu Rajani, Member Judicial

Appearance:

For Applicant: Mr. Krishna Mohan Gollamudi, RP.

Per: Justice Telaprolu Rajani, Member Judicial

7/10/22

ORDER

1. This is an Application filed by the Resolution Professional under Section 33(1) (a) & 34(1) of the Insolvency and Bankruptcy Code, 2016 (the Code) seeking orders for Liquidation of the Corporate Debtor i.e. M/s. Sree Naidu Beverages Private Limited and for appointment of Mr. Krishna Mohan Gollamudi, Resolution Professional as Liquidator.
2. The brief facts of the Application are that:
 - I. The NCLT, Amaravati vide order dated 10.07.2021 admitted the Petition i.e., CP (IB) No.44/7/AMR/2020 under Section 7 of the Insolvency Bankruptcy Code, 2016 initiating Corporate Insolvency Resolution Process (CIRP) of M/s. Sree Naidu Beverages Private Limited and appointed Mr. Krishna Mohan Gollamudi, as the Interim Resolution Professional (IRP) and directed him to take charge of the Corporate Debtor and take necessary steps in furtherance of CIRP.
 - II. The Interim Resolution Professional has issued Public Announcement on 21.07.2021. On receiving the claim from one Financial Creditor, the IRP has constituted Committee of Creditors and filed a memo before the Hon'ble NCLT.



- III. In the 1st CoC meeting held on 12.08.2021, it was resolved to continue Mr. Krishna Mohan Gollamudi as Resolution Professional(RP) and the same was communicated to this Tribunal vide memorandum dated 16.08.2021.
- IV. In the 2nd CoC meeting held on 02.09.2021 the CIRP expenses, appointment of Security Personnel at the Plant, installation of CC cameras etc., was approved and the Information Memorandum was also approved.
- V. In the 3rd CoC meeting held on 21.09.2021 eligibility criteria for the prospective Resolution Applicants, RFRP and Evaluation Matrix was approved. On 23.09.2021 the Resolution Professional (RP) invited Expression of Interest (EoI) from prospective Resolution Applicants by publishing Form-G in the newspapers i.e., Sakshi (Telugu) & Financial Express (English). Seven EoIs were received, out of which two EoIs were not qualified under Section 29A and Five EoIs were found eligible. All the Five PRAs were provided RFRP and information was sought apart from providing a copy of Information Memorandum. The last date for submission of Resolution Plan was 22.11.2021. As no Resolution Plans were received before 22.11.2021, the date was extended to 29.11.2021. Even after extending the date also no Resolution Plan was received.

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- VI. In the 4th CoC meeting held on 16.12.2021, the CoC decided to invite EoIs once again by modifying eligibility criteria and reducing the EMD and Performance Guarantee amounts. Since the CIRP period is not sufficient to complete the process, the RP filed an application for extension of CIRP period by 90 days and the same was approved by this Tribunal on 03.01.2022.
- VII. Although the possession of the manufacturing unit was handed over to the RP, no records of the Company were provided by the erstwhile management. The suspended Director has not handed over possession of books of accounts, records etc. No financial statements were provided as on 31.03.2021 and as on 10.07.2021. The Statutory Auditors also expressed inability to provide the books of accounts. This Tribunal vide order dated 17.09.2021 directed the suspended Directors to extend cooperation. But however till date the suspended Director has not handed over any records or books of accounts on the plea that no books of accounts were ever maintained by them. The Resolution Professional got the factory shed/building, plant & machinery and securities and financial assets valued by Registered Valuers as required under the Code. The Corporate Debtor does not own any land. The plant is located in a leased land.



VIII. In the 5th CoC meeting held on 06.01.2022, fresh invitation for submission of EoI, timelines, Form-G, modified RFRP etc., was approved. On 08.01.2022 the Resolution Professional has invited EoIs from Prospective Resolution Applicants by publishing the invitation in Form-G in newspapers i.e., Sakshi (Telugu) & Business Standard (English). In response to the invitation only one new EoI was received from JK Logistics. The final list of eligible 6 PRAs was released on 05.02.2022. The last date for submission of Resolution Plan was 01.03.2022. No Resolution Plan was received on or before the last date.

IX. In the 6th CoC Meeting held on 29.03.2022 a Resolution was passed recommending for liquidation of the Corporate Debtor, with 100% voting share of all the members.

3. Hence the Applicant came up with this application and prayed to appoint him as Liquidator.
4. From the above, it would appear that despite all possible steps as required under the Code, taken during the CIRP, the CoC did not receive any viable proposal for revival of the Company. The CoC in its wisdom has resolved with 100% voting share in favour of the Liquidation of the Corporate Debtor.

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ORDER

5. Heard. In view of the facts stated in the Application, this Tribunal allows the Application with the following directions.

- a) Mrs. Krishna Mohan Gollamudi (IBBI/IPA-003/IP-N000161/2018-2019/11952), F26, Raghava Ratna Towers, Chirag Ali Lane, Abids, Hyderabad – 500001, email: krishnamohangollamudi@gmail.com, Mobile No. 9573622744 is appointed as the Liquidator. No disciplinary proceeding is pending against him as per the IBBI website.
- b) He shall issue public announcement stating that Corporate Debtor is in Liquidation.
- c) The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate here from.
- d) Subject to section 52 of the IBC 2016 no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- e) All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.

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- f) The liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code, read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.
- g) Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
- h) The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
- i) This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the Liquidation process by the Liquidator.
- j) Copy of the Order shall be furnished to the IBBI, to the Regional Director (South Eastern Region), Ministry of Corporate Affairs; Registrar of Companies & Official Liquidator, Andhra Pradesh, the Registered Office of the Corporate Debtor; and the Liquidator.

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JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL