



IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT – 2

ITEM No.207- IA/1472(AHM)2026
in
CP(IB) 88 of 2017

Proceedings under Section 9 IBC

IN THE MATTER OF:

Neeraj Papers Agencies Ltd
V/s
Rainbow Paper Ltd

.....Applicant

.....Respondent

Order delivered on: 07/10/2026

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)
Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Sandeep Singhi, Adv.
For the STD : Mr Hitesh Vachhhani, Adv.
For Erstwhile RP : Mr. Atul Sharma, Adv.
Ex-RP : Mr. Ramchandra Dallaram Chaudhary
For Ex-SRA : Mr. Salil M Thakore, Adv.

ORDER

IA/1472(AHM)2026

Heard the Ld. Counsel for applicant.

This application filed for appointment of a liquidator to conduct the liquidation process of the CD has the following sequence of events

The Applicant submits that the Corporate Debtor was admitted into CIRP on 12.09.2017 under Section 9 of the IBC. A Resolution Plan dated 26.05.2018, as amended by addendum dated 05.06.2018, was approved by this Tribunal on 27.02.2019 and the Corporate Debtor was resolved and affairs of CD were taken over by Kushal Limited on 27.04.2019 whereby the erstwhile RP relinquished control of the management. An appeal was preferred before the Hon'ble NCLAT which dismissed the said appeals and upheld the order of this tribunal dated 27.02.2019. An application was preferred by one of the FC aggrieved by non-implementation of the resolution plan dated 26.05.2018 before this tribunal vide IA 457 of 2022 seeking liquidation. Further, an appeal was filed against the order of the Hon'ble NCLAT

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dated 19.12.2019 by the State Tax Officer in Civil Appeal No.1661 of 2020 before the Hon'ble Supreme Court of India which allowed the appeal and set aside the order of the Hon'ble NCLAT dated 19.12.2019 including the resolution plan dated 26.05.2018. Further a review petition filed by the FC IOB was also dismissed on 31.10.2023 by Hon'ble Supreme Court.

The CIRP process of the CD thereby stands in abeyance as on 27.02.2019 (approval of resolution plan) during all the ensuing period since approval of the resolution plan till date of filing this application. The COC has also not sought any extension of the CIRP process, which was originally admitted on 12.09.2017 and the CIRP process stands terminated with the approval of the resolution plan which has not been implemented on its rejection by the Hon'ble Supreme Court.

It is submitted that the debts and securities of the Corporate Debtor were assigned to the Applicant based on assignment agreements between 27.09.2023 to 30.03.2024 and this Tribunal, vide order dated 03.06.2026, permitted the Applicant to be substituted in place of Indian Overseas Bank in IA No. 457 of 2022 and further vide order dated 30.06.2026, this Tribunal directed that a meeting of the creditors be convened to decide the further course of action. It is submitted that the financial creditors themselves deliberated on the matter and, by 89.95% voting share, resolved to initiate liquidation of the Corporate Debtor and recommended Mr. Vikash Jain as Liquidator of Corporate Debtor.

The Ld. Counsel appearing for SRA as directed submitted that he will file his vakalatnama and has no objections to proceed on liquidation in the matter. The State Government has filed its reply that if this petition is allowed, the dues of State tax department would be subject to outcome of curative petition No.1661 of 2020.

We have heard the counsel for the Applicant and the respondent/s

This tribunal views the two crucial issues as the affairs of the CD handed over to the SRA do not have any representative any more since the approval of the Resolution Plan by COC to oversee the assets, various pending litigations and the COC members have assigned the debts in favor of the applicant. We need to allow this application and appoint a liquidator in the matter as top priority. It is also noted that some of the suspended management have also filed separate applications under

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Personal Insolvency. It is also observed that the provisions of the IBC 2016 have since been amended which will be seen as by the liquidator during the process.

- I. IA 1472 of 2026 is allowed.
- II. The Liquidation of Corporate Debtor Rainbow Papers Limited is effective from the date of this order in accordance with and as per the manner laid down in Chapter III of the Insolvency and Bankruptcy Code, 2016.
- III. We hereby appoint Mr. Vikash Jain, having registration no. IBBI/IPA-001/IP-00354/2017- 18/10612 and email id- ca.vikasjain2@gmail.com as the Liquidator of the Corporate Debtor to carry the liquidation process. The Liquidator so appointed shall complete the Liquidation process as per the provisions of the Insolvency and Bankruptcy Code, 2016 r.w. Insolvency and Bankruptcy Board of India (Liquidation process) Regulation, 2016.
- IV. The Liquidator appointed in consonance with the COC constituted will value the assets of the CD, prepare fresh balance sheet/financial statements from date of admission to CIRP till the date of liquidation to assess the assets and liabilities outstanding.
- V. All the powers of the Board of Directors, key managerial persons, and the partner of the Corporate Debtor, as the case may be, hereafter cease to exist. All these powers henceforth vest with the Liquidator
- VI. The personnel of the Corporate Debtor are directed to extend all cooperation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
- VII. The Liquidator will charge fees for the conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by IBBI and same shall be paid to the Liquidator from the proceed of the liquidation estate under section 53 of the Code.
- VIII. Once the liquidation process is initiated, subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor. The Liquidator has the liberty to institute a suit and other legal proceedings on behalf of the Corporate Debtor with the prior approval of this Adjudicating Authority, as provided in sub-section (6) of section 33 of the Code.
- IX. This liquidation order shall be deemed to be notice of discharge to the officers, employees, and workmen of the Corporate Debtor except to the extent of the

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business of the Corporate Debtor continued during the liquidation process by the Liquidator.

- X. The CoC is directed to contribute to the liquidation cost if any short fall occurs from the liquidation value of the Corporate Debtor.
- XI. This Adjudicating Authority directs the Liquidator to issue a public announcement stating that the Corporate Debtor is in liquidation. The Liquidator will also serve a copy of this order to the various Government Departments such as Income Tax, GST, VAT, etc., who are likely to have any claim upon the Corporate Debtor so that the authorities concerned are informed of the liquidation order timely. The Liquidator will also provide a copy of this order to the trade unions/employee associations of the Corporate Debtor so that the workmen/employees could also be informed of this liquidation order through their association.
- XII. The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section - 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.
- XIII. The present Resolution Professional whose plan is not implemented is directed to hand over the relevant documents and control of the Corporate Debtor to the newly appointed liquidator forthwith. The Ex RP who appeared in the matter is also directed to provide necessary support and hand over documents if any to the liquidator appointed by this tribunal and COC further constituted on admission of claims.
- XIV. The Registry is directed to communicate this order to the concerned Registrar of the Companies, the registered office of the Corporate Debtor, IBBI, the Ex-resolution professional, SRA and the Liquidator by speed post as well as e-mail within one week from the date of this order, after completion of all the formalities.
- XV. Accordingly, the present I.A. No. 1472 of 2026 is allowed, stands disposed of with directions mentioned herein.

Sd/-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

Sd/-

CHITRA HANKAR
MEMBER (JUDICIAL)