NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

16. I.A. 88/2021 I.A. 1988/2020 I.A. 886/2020
M.A 182/2020 M.A. 179/2020 M.A. 09/2020
M.A. 3957/2019 M.A. 2905/2019 M.A. 2824/2019
M.A. 2555/2019 IN C.P.(IB)-350(MB)/2019

CORAM: SHRI H.V. SUBBA RAO, MEMBER (J)
SHRI CHANDRA BHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON **09.06.2022**

NAME OF THE PARTIES: Venus Rolling Mills Pvt. Ltd.

SECTION 10 OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

Adv. Haneen Shaikh i/b. Fortis India Law for the Resolution Professional/Liquidator. Sangeeta Mishra, counsel appearing for the Respondent is present.

Mr. Atharva Dandekar a/w. Adv. Deepa Mani i/b D M Legal Ventures for the Resolution Professional are present through virtual hearing.

I.A. 88/2021

The above Application is filed by the Applicant for liquidation of the Corporate Debtor Company. Heard the arguments in the above Application and the Above Application bearing No. 88/2021 is allowed. Detail order would follow:

I.A. 2905/2019

Ms. Sangeeta Mishra, counsel appearing for the custom department is present through virtual hearing. The above Application has been filed by Resolution Professional seeking certain refund from Custom Department. The counsel appearing for the Respondent (Custom Department) mentions that she has already filed notice. However, the same is not available with this Bench. Respondent is directed to provide a copy of notice to the Bench well before the next date of hearing.

List this matter on **20.07.2022**.

Sd/-	Sd/-
CHANDRA BHAN SINGH	H.V. SUBBA RAO
Member (Technical)	Member (Judicial)

//RKS//

IN THE NATIONAL COMPANY LAW TRIBUNAL MUMBAI BENCH, COURT-III

IA. No. 88 of 2021

IN

C.P.No.(IB)350(MB) of 2019

Under Section 33(3), r/w 14 of Insolvency & Bankruptcy Code, 2016

In the matter of

VENUS ROLLING MILLS PRIVATE LIMITED

.... CORPORATE DEBTOR

I. A. No. 88 of 2021

Mr. DEVENDRA SINGH

.... Applicant/Liquidator

Order delivered on 09.06.2022

Coram:

Hon'ble Shri H. V. Subba Rao, Member (Judicial)
Hon'ble Shri Chandra Bhan Singh, Member (Technical)

For the Applicant: Mr. Atharva A Dhandekar, Advocate

1. The above application I.A. No. 88/2021 is filed by Resolution Professional, Mr. Devendra Singh (hereinafter referred to as the "Applicant") seeking liquidation of Venus Rolling Pvt. Ltd. (hereinafter referred to as the "Corporate Debtor") under Section 33(3) of the Insolvency and Bankruptcy Code, 2016 (hereinafter called as "the Code"), praying for following reliefs:

   a. *Allow the instant Application;*
   b. *Pass an order directing Initiation of the liquidation proceeding of the Corporate Debtor i.e. Venus Rolling Mills Private Limited,*

in terms of Section 33 of Insolvency and Bankruptcy Code,2016;

c. *Pass an order appointing the Resolution Professional/Applicant as Liquidator in terms of Section 34 (1) of Insolvency and Bankruptcy Code, 2016; and*
d. *Pass such other or further orders and other relief(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.*

2. The brief facts of the application are as follows:

A. The present Application has been filed by Mr. Devendra Singh (IP Registration No. IBBI/IPA-002/IP-N00001/2016-17/10001, the Resolution Professional of Venus Rolling Mills Pvt. Ltd ("Corporate Debtor") under Section 33(3) of the Insolvency and Bankruptcy code,2016 ("the code"), in order to bring to the kind notice of this Hon'ble Tribunal that the Committee of Creditors ("COC") of the Corporate Debtor, which consists of the financial creditor, namely The Federal Bank Limited and Religare Finvest Limited, has resolved to liquidate the Corporate Debtor.
B. On 22.05.2019, in the first meeting of the Committee of Creditors (hereinafter referred to as the "CoC") the Applicant was appointed as the Resolution Professional which was unanimously approved by CoC in favour of the same.
C. It is further stated by the Applicant that on 21.11.2019 a further public announcement was made inviting claims from the Creditors of the Corporate Debtor in two newspapers namely The Times of India, Nagpur Editions (English Newspaper) and Lokmat & Sakal, Nagpur Edition (Marathi Newspaper).

D. The Counsel for the Applicant states that an advertisement, inviting Expression of Interest (EoI) in Form G was published on 21.11.2019 in The Times of India, Nagpur Editions (English Newspaper) and Lokmat & Sakal, Nagpur Edition (Marathi Newspaper), 06.12.2019 being the last date for receipt of Expression of Interest and 30.12.2019 being the last date for submission of Resolution Plan. Thereafter, The PRAs who were included in the final list of PRAs sent e-mails to Resolution Professional seeking time for submission of Resolution Plan till 15.01.2020. The Resolution Professional sent reply to PRAs and also intimated the same to the Members of CoC accordingly. The CoC in its Seventh Meeting discussed the same and decided to extent the timeline for submission of Resolution Plan by the PRAs till 15.01.2020.

E. In CoC in its Eighth Meeting requested the Applicant to place the Resolution Plans in the next meeting of CoC alongwith note on compliances as per the relevant provisions of the Code and Regulations made thereunder on the Resolution Plan submitted by PRAs.

F. The Applicant in the Ninth Meeting of the CoC placed both the Resolution Plans that were received by the Applicant, further the Applicant also placed note on compliances as per the relevant provisions of the code and Regulations made thereunder on the Resolution Plan and the CoC discussed and deliberated upon both the Resolution Plans in detail and advised the Applicant to invite both the PRAs who submitted the Resolution Plans for further discussion on the plans in the forthcoming CoC Meeting which was to convene on 06.03.2020.

G. The Applicant in the Tenth Meeting of the CoC placed before the CoC Members both the Resolution Plans alongwith note on compliances as per the relevant provisions of the code and Regulations made thereunder, as applicable on the Resolution Plan submitted by PRAs. The CoC Members upon deliberation and discussion of compliance note, the report on Section 29A of the Code and the Resolution Plans, the CoC unanimously decided and declared that both the Resolution Plans of PRAs are commercially and financially unviable and rejected the same and advised the Applicant to place the Resolution for initiation of liquidation of the corporate Debtor for voting. Thereafter the CoC Members requested the Applicant to initiate the process of liquidation of the Corporate Debtor under Section 33(2) of IBC,2016.

H. In the 10th CoC Meeting the members decided to unanimously opt for Liquidation of the Corporate Debtor as well as appointing the Applicant as the Liquidator of the Corporate Debtor, as no Resolution Plan has been received by the Applicant. The relevant extract of the resolution is reproduced herein below for ready reference:-

> *"**RESOLVED THAT**, pursuant to Section 33, sub-section (2) and other applicable provisions, if any, of the insolvency and Bankruptcy Code, 2016, approval of Committee of Creditors of Venus Rolling Mills Private Limited for the initiation of the liquidation Process of the Corporate Debtor, be and is hereby accorded."*
>
> *"**RESOLVED THAT** in light of eligibility of Mr. Devendra Singh (IBBI Registration No. IBBI/IPA-002/IP-N00001/2016-17/10001) under Regulation 3 of the IBBI (Liquidation Process) Regulations, 2016, approval of the*

Committee of Creditors be and is hereby accorded for his appointment as Liquidator in the Liquidation of Venus Rolling Mills Private Limited subject to his appointment by the Adjudicating Authority in terms of Section 34 of the Insolvency & Bankruptcy Code, 2016"

3. After hearing the submissions made by the Counsel appearing for the Applicant and upon perusing the material available on record, it is observed from the minutes of the 10th CoC meeting that the CoC has unanimously decided to liquidate the Corporate Debtor. The CoC has appointed the Applicant as Liquidator to carry on the process of Liquidation of the Corporate Debtor. The Applicant has agreed to act as Liquidator to carry on the process of Liquidation and given his consent to act as Liquidator. This bench, therefore allows the above Interlocutory Application Number 88 of 2021 and passed the following:

ORDER

1. The above I.A. No. 88/2021 is Allowed and the Corporate Debtor Venus Rolling Mills Pvt. Ltd. is ordered to be liquidated.

    a. **Mr. Devendra Singh**, having Registration No. IBBI/IPA-002/IP-N00001/2016-17/10001 and having office at: ATS Greens Paradiso, Flat No:02054, Tower – 2, Plot No: GH-03, Sector – CH1 – 04, Greater Noida, UP - 201308 is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.
    b. That the Liquidator for the conduct of Liquidation proceedings would be entitled to a remuneration of Rs. 38,27,000/- according to Liquidation fees (B) As per

Regulation 4 of the IBBI (Liquidation Process) Regulation 2016.

c. 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.
d. 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.
e. 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.
f. All the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter ceased to exist. All these powers henceforth vest with the Liquidator.
g. That 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 proceeding 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 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.

With the above directions, this application i.e. I.A. No. 88 of 2021 is hereby allowed and disposed of.

Sd/-	**Sd/-**
CHANDRA BHAN SINGH	**H.V. SUBBA RAO**
MEMBER (TECHNICAL)	**MEMBER (JUDICIAL)**