

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH – II, CHENNAI**

**IA (IBC)(LIQ.)/ 13 (CHE) / 2024**

**IN**

**CP (IB) / 192 (CHE) / 2022**

*(Under Section 33(2) & 34(5) of Insolvency & Bankruptcy Code, 2016 r/w Rules 11 &  
32 of NCLT Rules, 2016)*

*In the matter of M/s. Stalwart International Trading (P) Ltd*

**Mr. P. Eswaramoorthy**

Resolution Professional of

*M/s. Stalwart international Trading Private Limited,*

44/1, 5<sup>th</sup> Street, Ramalinga Jothi Nagar,

Near Corporation Office, Najundapuram road,

Ramanathapuram, Coimbatore- 641 045.

*... Applicant*

*Order Pronounced on 25<sup>th</sup> October 2024*

**CORAM**

**SHRI JYOTI KUMAR TRIPATHI, MEMBER (JUDICIAL)**

**SHRI RAVICHANDRAN RAMASAMY, MEMBER (TECHNICAL)**

*Present*

*For Applicant: Mr. B.Dhanaraj, Mrs. Deepa Mariappan, Advocates*

**ORDER**

**(Heard through hybrid conferencing)**

1. IA(IBC)(LIQ.) / 13(CHE)/2024 in CP (IB)/192 (CHE)/2022 is an application filed under section 33(1) & 34(5) of the Insolvency & Bankruptcy code, 2016 (herein after termed as “the Code”) by Mr. P. Eswaramoorthy, RP of **M/s. Stalwart International Trading (P) Ltd** i.e. the Corporate Debtor (hereinafter referred as “CD”) seeking following reliefs as follows,

1. *To Pass an Order of liquidation of the Corporate Debtor “Stalwart International Trading (P) Ltd.”.*
  2. *To direct the Insolvency and Bankruptcy Board of India (Board), to propose the name of another Insolvency Professional to be appointed as a Liquidator of the Corporate Debtor;*
  3. *To pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice.*
2. M/s. Stalwart International Trading (P) Ltd., the corporate debtor, was admitted to Corporate Insolvency Resolution Process, (hereinafter referred as “CIRP”) vide an order dated 12.12.2023 passed by this Adjudicating Authority and applicant herein Mr. P. Eswaramoorthy, was appointed as the Interim Resolution Professional of the CD.
3. Heard the Ld. Counsel appeared on behalf of the applicant and perused the records.
4. Form the Compliance certificate (Form H) attached with the application the dates and events subsequent to initiation of CIRP of the CD is as follows,

S. No	Date	Events
1.	12.12.2023	Commencement of CIRP
2.	16.12.2023	Publication of Public announcement in Business Standard (English), and Hindu (Tamil).
3.	03/01/2024	Constitution of Committee of Creditors (CoC) by IRP
4.	12.01.2024	1 <sup>st</sup> Committee of Creditors (herein after referred to as “CoC”) meeting resolved to appoint the applicant as the RP of Corporate Debtor.
5.	23.02.2024	2 <sup>nd</sup> Coc meeting, resolved to issue draft Form -G and was published on 26.02.2024
6.	25.04.2024	3 <sup>rd</sup> CoC meeting approved a resolution to extend the timeline for submission of Resolution Plan from 13.05.2024 to 25.05.2024.

7.	31.05.2024	4 <sup>th</sup> Coc meeting, approved for extension of 1week to submit the Resolution Plan.
8.	08.06.2024	Expiry of 180 days of CIRP
9.	21.06.2024	1 <sup>st</sup> Extension of CIRP by 90 days till 06.09.2024 Vide IA (IBC)/1431 (CHE)/2024.
10.	21.06.2024	5 <sup>th</sup> CoC meeting – the CoC with 100% voting resolved to Liquidate the Corporate Debtor.
11.	09.07.2024	Date of filing Liquidation application before this Adjudicating Authority

5. It is submitted that as the CIRP Period was expiring on 08.06.2024, CoC at its meeting held on 21<sup>st</sup> June 2024 approved the agenda for extension of CIRP time limit by 90 days beyond 180 days, vide its order dated 21.06.2024. Thereafter, the CIRP Period was extended till 06.09.2024.
6. It is submitted that Applicant served an Email as well as letter on 11.01.2024 to the Suspended Director of Corporate Debtor, in seeking information such as Statutory Registers, Fixed Assets Register, Audited Financial Statements and Tally accounts until date of CIRP commencement which were required for continuing the CIRP.
7. It is stated that Shri. Sulaiman Abdul Gaffor a Suspended Director of the Corporate Debtor holds 100% voting rights in CoC.
8. It is submitted that the applicant was confirmed as Resolution Professional of the Corporate Debtor during the 1<sup>st</sup> CoC meeting dated 12.01.2024.
9. It is stated that Applicant has filed application u/s. 19(2) IBC in IA (IBC)/376 (CHE)/2024 seeking co-operation and support of Suspended Director to provide all the requirement to the Applicant for conducting CIRP. Further Applicant filed IA (IBC)/468 (CHE)/2024 against one claimant Mrs. Dandu Lakshmi Devi for

providing Original Title Deed and Keys of the corporate Debtor's Sole asset and further Applicant filed another application IA(IBC)/522 (CHE)/2024 against Bank of Maharashtra in seeking CD's loan documents and Release of CD's title Deeds, which is pending for adjudication.

10. It is submitted that the Applicant conducted 2<sup>nd</sup> CoC meeting on 23.02.2024, where it has approved Form G- Expression of Interest, which was published on 26.02.2024

11. It is further submitted that No Resolution plan received in the CoC meeting.

12. It is submitted that during the 5<sup>th</sup> CoC meeting dated 21.06.2024, the CoC unanimously resolved to liquidate the Corporate Debtor and authorized the applicant/ RP to file an application. The extracts of relevant liquidation Resolution are hereunder,

**VOTING SHEET**

**VOTING SHEET FOR THE 05TH MEETING OF COMMITTEE OF CREDITORS OF STALWART INTERNATIONAL TRADING PRIVATE LIMITED HELD ON 21/06/2024 AT 05.00 PM.**

S. No.	Particulars	Details
1.	Name of the Creditor (In block letters)	Mr. SULAIMAN ABDUL GAFFOR,
2.	Postal Address	Post Box No. 7217, Salmiya - 22083, Kuwait.
3.	Nature of Creditor	Unsecured Financial Creditor
4.	Amount Admitted Claim	1,92,00,000
5	% of Voting Share in the Committee	100%

I hereby exercise my vote in respect of the following proposal made before the Committee of Creditors

Sl No	Item No in Notice	Item Particulars	I / We assent to the Resolution	I / We dissent to the Resolution	I / We abstain to the Resolution
1	10	To ratify the CIRP cost incurred by the RP till date	✓		
2	11	To discuss and approve the extension of time for submission of Resolution Plan.		✓	
3	12	To Discuss and decide on Second EOI		✓	
4	13	To Discuss and decide on Liquidation of the Company	✓		
5	14	To approve the estimated Liquidation cost	✓		

**NOTE :** The assent / dissent / abstain marked for the items listed in the above table are given for the resolutions / matters stated in the notice calling 05th CoC Meeting of STALWART INTERNATIONAL TRADING PRIVATE LIMITED (Under CIRP) and meeting held on 21/06/2024.

*ASB*  
Seal & Signature with designation

3. I have examined the Resolution Plan received from Resolution Applicant (.....Not Applicable) ..... and approved by Committee of Creditors (CoC) of [Name of the corporate debtor]: No Resolution Plan received

4. I hereby certify that-

(i) the said Resolution Plan complies with all the provisions of the Insolvency and Bankruptcy Code 2016 (Code), the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (CIRP Regulations) and does not contravene any of the provisions of the law for the time being in force.

(ii) the Resolution Applicant (.....) has submitted an affidavit pursuant to section 30(1) of the Code confirming its eligibility under section 29A of the Code to submit resolution plan. The contents of the said affidavit are in order.

(iii) the said Resolution Plan has been approved by the CoC in accordance with the provisions of the Code and the CIRP Regulations made thereunder. The Resolution Plan has been approved by [state the number of votes by which Resolution Plan was approved by CoC] % of voting share of financial creditors after considering its feasibility and viability and other requirements specified by the CIRP Regulations.

(iv) The voting was held in the meeting of the CoC on [state the date of meeting] where all the members of the CoC were present; or I sought vote of members of the CoC by electronic voting system which was kept open at least for 24 hours as per the regulation 26.

Note: No Resolution Plan Received, Hence this clause not applicable.

5. The list of financial creditors of the CDStalwart International Trading Private Limited being members of the CoC and distribution of voting share among them is as under:

Sl.No.	Name of Creditor	Voting Share (%)	Voting for Resolution Plan (Voted for / Dissented / Abstained)
1	Mr. Sulaiman Abdul Gaffor. Office at Post Box No. 7217, Salmiya 22083, Kuwait &also at No.3/3E, 27D, Abdulkadhar Street, Chakrapalli, Thanjavur District, Tamil Nadu	100%	N/A

6. The Resolution Plan includes a statement under regulation 38(1A) of the CIRP Regulations as to how it has dealt with the interests of all stakeholders in compliance with the Code and regulations made thereunder.

7. The amounts provided for the stakeholders under the Resolution Plan is as under:

(Amount in Rs. lakh)

Sl. No.	Category of Stakeholder*	Sub-Category of Stakeholder	Amount Claimed	Amount Admitted	Amount Provided under the Plan#	Amount Provided to the Amount Claimed (%)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Secured Financial Creditors	(a) Creditors not having a right to vote under sub-section (2) of section 21. (b) Other than (a) above: (i) who did not vote in favour of the resolution Plan (ii) who voted in favour of the resolution plan Total (a) + (b):				



### 13. TO DISCUSS AND DECIDE ON LIQUIDATION OF THE COMPANY.

The RP informed that Committee may consider for the Liquidation of the Corporate Debtor due to the following reasons

1. The Company is not in operation for the past 6-7 years
2. No Statutory filings since the incorporation of the company
3. No assets available except one building at New Door No.12/2, Old Door No.117/2}, Thiyagaraya Road, T.Nagar, Chennai – 600 017, comprised in T.S.No.4851/1, 4851/2, 4851/3, 4851/4, Block No.112, Thiyagaraya Nagar Village, Guindy Taluk, Chennai District along with 1354 / 20821 Sq. Ft of Undivided Share, in the Land measuring an extent of 8 Grounds and 1621 Sq. Ft. and the Shops having a Built-up Area of 4000 Sq. Ft., inclusive of Electricity Service Connections and Deposits, Drainage Connection Deposits, Property Tax Deposits etc., and situated within the Sub-Registration District of Thiyagaraya Nagar and Registration District of South Chennai.
4. Chennai Corporation has sealed the property due to the non-payment of taxes
5. Unregistered Deed of Sale dated 07.10.2021 executed between the Corporate Debtor and Mrs Dandu Lakshmi Devi for a Sale Consideration of Rs.2,20,00,000/ in respect of the above referred property





15. The Applicant/RP submitted FORM-H as per Regulation 39 (4) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations 2016. The same is placed at Page 84 – 89 of the application.
16. After verifying the disciplinary status from the IBBI portal, we appoint **Mr. SANKAR VARADHARAJAN** having **Reg. No. IBBI/IPA-002/IP-N01057/2020-2021/13449**, Email id: [advsankarirp@gmail.com](mailto:advsankarirp@gmail.com) with valid **AFA till 30.06.2025** as the Liquidator for the Corporate Debtor.
17. From the above facts and circumstances, considering the decision taken by the CoC of the Corporate Debtor, this Adjudicating Authority deems it fit to order Liquidation of the Corporate Debtor. Accordingly, we order **Liquidation** of the Corporate Debtor i.e. **M/s. Stalwart International Trading Private Limited** by appointing the above Mr. **SANKAR VARADHARAJAN** as the Liquidator to carry out the liquidation process subject to the following terms/directions: -
- a. *The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended up to date enjoined upon him.*
  - b. *The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.*
  - c. *The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file a suitable application before this Adjudicating Authority.*
  - d. *The Registry is directed to communicate this order to the Registrar of Companies, Concerned and the Insolvency and Bankruptcy Board of India;*

- e. *In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.*
- f. *The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and a fresh Moratorium under Section 33(5) of the Insolvency and Bankruptcy Code shall commence.*
- g. *The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.*
- h. *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.*
- i. *The Liquidator shall submit individual Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further reports as are required to be filed under the relevant Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.*
- j. *Copy of this order be sent to the financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary cooperation in relation to the Liquidation process of the Corporate Debtor.*

18. With the above directions, **IA(IBC)(LIQ.)/ 13(CHE)/2024 IN CP (IB)/192 (CHE)/2022** stands allowed and disposed of.

**-Sd/-**

**RAVICHANDRAN RAMASAMY  
MEMBER (TECHNICAL)**

**-Sd/-**

**JYOTI KUMAR TRIPATHI  
MEMBER (JUDICIAL)**

Sangeetha