IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, (Court – II)
KOLKATA

C.P. (IB) No. 170/KB/2023

An application under Section 59(7) of the Insolvency and Bankruptcy Code, 2016, (hereinafter referred to as "IBC") by the Liquidator for Voluntary Liquidation.

***In the matter of*:**

DHATARIYA INVESTMENT PVT LTD

... In Voluntary Liquidation

Date of pronouncing the order: 23/02/2024

Coram:

Smt. Bidisha Banerjee	**:**	**Member (Judicial)**
Shri D. Arvind	**:**	**Member (Technical)**

Appearances (via video conferencing/physically):

Ms. Arti Vyas, PCS	**:**	**For the liquidator**

O R D E R

Per: Bidisha Banerjee, Member (Judicial)

1. This Court is convened through hybrid mode.

2. Heard. Ld. Authorised Representative Ms. Arti Vyas appearing on behalf of liquidator.

3. This application has been preferred by Dhatariya Investment Pvt. Ltd. to seek the following reliefs, inter alia: -

a. *The Final Report of the Liquidator may be accepted.*

b. *An Order to effect the dissolution of the Corporate Debtor may be passed accordingly.*

c. *Such further or other order or orders be made and/or direction or directions be given as to this Tribunal may seem fit and proper.*

4. <u>Factual matrix of the case</u>: -

a. The DHATARIYA INVESTMENT PVT LTD **(PAN – AABCD1008M)** is Company registered under the Companies Act, 1956 incorporated on 29/11/1994 bearing **CIN U67120WB1994PTC066204** having its registered office at 27 Amartolla ST Kolkata WB 700001 IN. The Company was engaged in the business of Financial consultancy services. Copy of COI, PAN Card MOA and AOA are attached and marked as **Annexure A** to the application**.**

b. The present application is filed by the Liquidator Deepak Kumar Jain who was duly appointed by the Company as liquidator and, as such, is duly authorised and competent to file the present application. Copy of appointment letter executed in favour of Mr. Deepak Kumar Jain is marked as **Annexure B** to the application**.**

c. On 01/04/2023 the Board of Directors of the Company passed resolution for voluntary liquidation of the Company and on 03/04/2023 in the extra ordinary general meeting of the members Special Resolution for voluntary winding up of the Company was passed. Copy of Board Resolution, Notice of EOGM, Copy of Special Resolution has been attached and marked as **Annexure C "colly"** to the application**.**

d. On 06/04/2023 Public notice, in Form A, was published in Daily English and Daily Bengali newspaper, within the stipulated timelines, as per the requirement of the Insolvency and Bankruptcy Code, 2016. Copy of public notice has been attached and marked as **Annexure D** to the application**.**

e. On 06/04/2023 intimation of voluntary liquidation was given to Registrar of Companies Kolkata in form MGT – 14. Copy of Form MGT 14 along with challan which has been attached and marked as **Annexure E** to the application**.**

f. On 27/04/2023 intimation of voluntary liquidation was given to Income Tax Officer. Copy of intimation letter along with proof of service of letter has been attached and marked as **Annexure F** to the application**.**

g. On 28/06/2023 the audited account of liquidation showing receipt and payment was duly signed by the Liquidator and the Auditor. Copy whereof have been attached and marked as **Annexure G** to the application**.**

h. On complete realization of assets and liabilities of the Company, the Bank account opened for liquidation was closed by the Bank. Copy of Closure of Liquidation account has been attached and marked as **Annexure H** to the application**.**

i. The Final Report of Liquidation was duly prepared and signed by the liquidator on 10/07/2023. Copy of Final Report has been attached and marked as **Annexure I** to the application**.**

j. The Final Report of Liquidation has been duly submitted to the IBBI, Board of RoC, Kolkata. Proof of submission of Final Report to the Board and RoC, Kolkata has been attached and marked as **Annexure J** to the application**.**

5. We have heard the Ld. Counsel for the Liquidator and perused the documents annexed to the Company Petition. The Corporate Person does not have any assets other than cash and bank balance. We notice that the affairs of the Corporate Person have been completely wound up and its assets are liquidated. The Liquidator has published notice of liquidation in two newspapers inviting claims from stakeholders and that there are no claims due to any stakeholder. We are satisfied from the documents on record that the voluntary liquidation is not with intent to defraud any person. There appears to be no impediment in sanctioning the dissolution of the Corporate Person. Consequently, sanction is hereby accorded to dissolve the Corporate Applicant**.**

6. The Liquidator of the Corporate Applicant is further directed to serve a copy of this order upon the Registrar of Companies, West Bengal, 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.

7. **C.P. (IB) No. 170/KB/2023** shall stand **disposed of** in accordance with the above directions.

8. The Registry is directed to send e-mail copies of the order forthwith to all the parties and the Liquidator for information and for taking necessary steps.

9. Certified copy of the order may be issued to all the concerned parties, if applied for, subject to compliance with all requisite formalities.

10. File be consigned to records.

D. Arvind
Member (Technical)

Bidisha Banerjee
Member (Judicial)

Order signed on: 23rd of February, 2024.

Ar.