



**IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD**

COURT - II

CP (IB) 152/NCLT/AHM/2021

[Application for initiation of Corporate Insolvency Resolution Process
under Section 9 of the Insolvency & Bankruptcy Code, 2016]

In the Matter of:

Mrs. Sitaben Dilipkumar Hirani	...	Applicant/ Operational Creditor
(Proprietor of Hirani Brothers)		

Versus

Princi Proteins Private Limited	...	Respondent/ Corporate Debtor
--	------------	---

Order Pronounced on: 23/06/2022

CORAM:

**DR. DEEPTI MUKESH
HON'BLE MEMBER(JUDICIAL)
AJAI DAS MEHROTRA
HON'BLE MEMBER (TECHNICAL)**



MEMO OF PARTIES

Mrs. Sitaben Dilipkumar Hirani

(Proprietor of Hirani Brothers)

15, Market Yard

Panthawada

Tal. Dantiwada – 385 545

Banaskantha District

Gujarat State

...

Applicant/Operational Creditor

Versus

Princi Proteins Private Limited.

Shop No. 17, 18, 19

Shreeji Arcade Complex

Behind Jalaram Bhojnalay,

Deesa,

Banaskantha 385 535

Gujarat State

...

Respondent/Corporate Debtor

Appearance:

For the Applicant : Mr. Aditya Pandya, Advocate

For the Respondent : Mr. Harmish Shah , Advocate

ORDER

1. The Present Application is filed under section 9 of Insolvency and Bankruptcy Code, 2016 (for brevity 'IBC, 2016') read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (for brevity 'the Rules') by Mrs. Sitaben Dilipkumar Hirani, proprietor of **Hirani Brothers**, (for brevity 'Applicant') with a prayer to initiate the Corporate Insolvency process



against **Princi Proteins Private Limited** (for brevity ‘Corporate Debtor’).

2. The Applicant, Mrs. Sitaben Dilipkumar Hirani is proprietor of Hirani Brothers having PAN AAIPH9794G and GST No. 24AAAIPH9794G1ZB. The proprietary firm is having its office at 15, Market Yard, Panthawada, Tal. Dantiwada, Dist. Banaskantha, Gujarat State and is engaged in supply of Castor Seeds.
3. The corporate debtor, a Private Limited Company, incorporated on 28.11.2013 under the provisions of The Companies Act, 1956 is duly registered with Registrar of Companies, Gujarat, Ahmedabad with CIN: U15400GJ2013PTC077666 and having registered office at Shreeji Arcade Complex, Behind Jalaram Bhojnalay, Deesa, Banaskantha, Gujarat State. The Authorized share capital of the corporate debtor is Rs. 1,00,000/- and Paid up share capital of the company is Rs. 1,00,000/- The corporate debtor is engaged in the business of trading of castor oil and other related products.
4. It is submitted by the applicant that pursuant to oral orders by the corporate debtor, the applicant had supplied castor seeds to the corporate debtor on various dates during the period from 09.05.2018



to 28.06.2018. Pursuant to said supply, 37 invoices aggregately amounting to Rs. 3,01,08,868/- were raised by applicant. Part payments of Rs. 9.00 lacs, Rs. 10.00 lacs and Rs. 13,95,000/- were received from the corporate debtor on 20th March, 2020. Thereafter no payments were made by corporate debtor and a total sum of Rs. 2,62,03,999/- (Rupees two crores sixty-two lacs three thousand nine hundred and ninety-nine only) is due and payable by the corporate debtor.

5. The applicant further states that on not receiving the outstanding debt from the corporate debtor, demand notice in Form 3 under Section 8 of the IB Code dated 01.03.2021 was issued under the provisions of the IB Code which was duly delivered at the registered address of the respondent. In compliance of order dated 21.04.2022, the applicant filed copy of letter issued by Department of Posts: India, Ministry of Communication, O/o Sub Post Master, Disa MDG, Deesa as proof of service of Section 8 notice. Copy of master data and track report are annexed. No reply to the said notice was received. Thereafter, the applicant filed the instant application under Section 9 of the Code.
6. The corporate debtor filed affidavit in reply stating that corporate debtor is facing major liquidity crunch in recent time and, therefore, it



is unable to pay its creditors on time resulting in default. Due to financial crunch, operations of the company is stopped and payment to other suppliers including the applicant are delayed.

7. As per part IV Form 5 an amount of Rs. 2,62,03,999/- (Rupees two crores sixty-two lacs three thousand nine hundred and ninety-nine only) is due and payable to the applicant by the corporate debtor and the debt fell due on 24.05.2018.
8. The registered office of the corporate debtor is situated in Sabarkantha District, Gujarat State and therefore this Tribunal has jurisdiction to entertain and try this application.
9. As per Part IV, Form 5, the debt fell due on 24.05.2018 and the application is filed on 03.09.2021. However, it is seen that payments of three amounts of Rs. 9,00,000/-; Rs. 10,00,000/- and Rs. 13,95,000/- are made by the corporate debtor to the operational creditor on 20.03.2020. Thus, the application is within limitation and not barred by Law.
10. In compliance of Section 9 (3) (b) of the IB Code the applicant has filed affidavit to the effect that there is no notice given by the



corporate debtor relating to any dispute of the unpaid operational debt.

11. Heard submissions and perused the documents on record. The present application is complete as per Section 9 (5) of the Code and the applicant is entitled to claim its dues. The application is also within the limitation period. On perusal of the record it is found that no dispute is raised by the corporate debtor. The debt is admitted by the corporate debtor in its reply to the application. Moreover, during the course of hearing also the advocate representing the corporate debtor admitted that the corporate debtor is not in a position to pay the debt of the applicant as recorded in the order dated 22.02.2022.
12. In light of the above discussion, in our view, the debt is due and payable and default has occurred. Moreover, the corporate debtor has admitted the debt and its inability to pay the operational debt. The present application is admitted, in terms of section 9 (5) of IBC, 2016.
13. The applicant has proposed the name of Interim Resolution Professional (IRP) to be appointed Mr. Naresh Ghanshyamchandra



Bheda who is hereby appointed as IRP of corporate debtor having address at B-604, Fair Deal House, Nr. Swastik Cross Road, Navrangpura, Ahmedabad, with registration No. IBBI/IPA-002/IP-N-00953/2019-20/13009 subject to the condition that no disciplinary proceedings are pending against him. Specific consent of the IRP in Form 2, along with disclosures as required under IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and certificate of registration with IBBI is filed which are on record.

14. We direct the Operational Creditor to deposit a sum of Rs.2.00 lacs (Rupees two lacs only) with the Interim Resolution Professional, Mr. Naresh Ghanshyamchandra Bheda to meet the expenses to perform the functions assigned to him in accordance with regulation 6 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Person) Regulations, 2016. The needful shall be done within one week from the date of receipt of this order by the Operational Creditor. The amount, however, is subject to adjustment by the Committee of Creditors, as accounted for by Interim Resolution Professional, and shall be paid back to the Operational Creditor.



15. As a consequence of the application being admitted in terms of Section 9(5) of IBC, 2016, moratorium as envisaged under the provisions of Section 14 (1) shall follow in relation to the Corporate debtor, prohibiting actions as per clauses (a) to (d) of Section 14 (1) of the Code. However, during the pendency of the moratorium period, terms of Section 14(2) to 14(4) of the Code shall come in force.
16. A copy of the order shall be communicated to the Applicant, Corporate Debtor and IRP above named by the Registry. In addition, a copy of the order shall also be forwarded to IBBI for its records. Applicant is also directed to provide a copy of the complete paper book to the IRP. A copy of this order be also sent to the ROC for updating the Master Data. ROC shall send compliance report to the Registrar, NCLT.

Sd/-

AJAI DAS MEHROTRA
MEMBER (TECHNICAL)

Sd/-

DR. DEEPTI MUKESH
MEMBER (JUDICIAL)

Nair/Rahul LRA