

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 06

IA-1910(PB)/2020

In

Company Petition (IB)-1739(PB)/2018

IN THE MATTER OF:

Neeraj Bhatia

...

Resolution Professional of
Corporate Debtor / Applicant

IN THE MATTER OF:

Jammu & Kashmir Bank Ltd

...

Applicant/Petitioner

Vs

Ajaz Nanda Designs Pvt Ltd.

...

Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, 2016, CIRP.

Order delivered on 22.12.2020

CORAM:

SH. B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. HEMANT KUMAR SARANGI
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Ashutosh Kumar, Adv.

B.S.V. PRAKASH KUMAR, ACTG. PRESIDENT

Dictated in Open Court

IA-1910(PB)/2020:-

It is an application filed u/s 33 of IBC by the CoC constituted of sole creditor bank namely Jammu & Kashmir Bank Ltd. based on resolution dated 10.02.2020 seeking for the order of liquidation on the ground no asset is lying in the company.

The applicant counsel/RP submits that on Section 7 petition filed by the creditor bank, CIRP was initiated on 21.05.2019,

thereafter upon having only one claim came, i.e., from the petitioner bank, the IRP constituted CoC with sole creditor.

For no asset is lying in the company, the petitioner Bank/CoC passed a resolution on 10.02.2020 proposing liquidation of this company, therefore, the RP has sought for the order of liquidation of this company along with the consent of the RP to function as liquidator, in view thereof, we are of the view that this case is fit for passing liquidation order because it is the CoC that has taken a decision that the liquidation is the only course left to initiate, whereby, we hereby ordered for liquidation of the corporate debtor company with the directions as follows:-

a) This Bench hereby orders the Corporate Debtor to be liquidated in the manner as laid down in the chapter by issuing a public notice stating that the Corporate Debtor is in liquidation with a direction to the liquidator to send this order to ROC with which this company has been registered.

b) The Resolution Professional viz. Mr. Neeraj Bhatia is hereby appointed to act as Liquidator for the purpose of liquidation of the corporate debtor, therefore, all powers of the board of directors, Key managerial personnel and partners of the Corporate Debtor, as the case may be, shall cease to have



effect and shall be hereby vested in the liquidator. The Personnel of the Corporate Debtor are directed to extend all co-operations to the liquidation as may be required in managing the affairs of the Corporate Debtor. The Insolvency Professional appointed as liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified under regulation 4 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.

c) Since this liquidation order has been passed, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor without prior approval of this Adjudicating Authority save and except as mentioned in sub-section 6 of Section 33 of the Code.

d) This liquidation order shall be deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to extent of the business of the Corporate Debtor is continued during the liquidation process by the Liquidator.



e) The liquidator is directed to carry the functions of the Liquidator as envisaged under the Insolvency and Bankruptcy Code, 2016 and also Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

The Registry is hereby directed to immediately communicate this order to the Liquidator, the Corporate Debtor and the IBBI & concern ROC by way of E-Mail.

Accordingly, this application stands disposed of.

Sd/-

(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT

Sd/-

(HEMANT KUMAR SARANGI)
MEMBER (TECHNICAL)