

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH – 1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON  
30-12-2021 AT 10:30 A.M. THROUGH VIDEO CONFERENCE.

**IA(IBC)/481/2021  
CP(IB) No.205/7/HDB/2020  
U/s 7 of IBC, 2016**

**IN THE MATTER OF:**

BRS Enterprises & Trading Ltd

**...Financial Creditor**

Vs

Tejaswini Engineering Pvt Ltd

**...Corporate Debtor**


**CORAM:-**


DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)  
SH. VEERA BRAHMA RAO AREKAPUDI, HON'BLE MEMBER (TECHNICAL)

**ORDER**

Orders pronounced in IA(IBC)/481/2021 in CP (IB) No.205/7/HDB/2020 vide separate sheets.

In the result, the CP (IB) No.205/7/HDB/2020 is allowed and directed for Liquidation of the Corporate Debtor.

  
MEMBER (T)

  
MEMBER (J)

*Srinivas*

**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABDA BENCH – 1**

**IA (IBC/481/2021 in CP (IB) No. 205/7/HDB/2020**

*Under Section 33(2) read with Section 34 of Insolvency and Bankruptcy Code, 2016*

**Filed by:**

M/s. Tejaswini Engineering Private Limited  
Represented by its Resolution Professional  
Ms. Mummaneni Vazra Laxmi  
Flat No. 107, V V Vintage Residency,  
Somajiguda, Hyderabad

**... Applicant**

**In the matter of**

M/s. BRS Enterprises & Trading Limited  
Shop No. 2, Besides Newzen Hair Oil,  
Police Station Road, IDA Bollaram,  
Jinnaram Road(MD), Bollaram – 520325

**... Financial Creditor**

**Versus**

M/s. Tejaswini Engineering Private Limited  
Plot No. 34, Nagarjuna Hills,  
Punjagutta, Hyderabad TG 500082

**... Corporate Debtor**

**Date of order: 30.12.2021**

**Coram:**

Dr. Venkata Ramakrishna Badarinath Nandula, Hon'ble Member Judicial  
Sh. Veera Brahma Rao Arekapudi, Hon'ble Member Technical

**Appearance:**

For Applicant: Ms. Mummaneni Vazra Laxmi, Resolution Professional



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Date of Order: 30.12.2021*

**PER: BENCH**

1. This application is filed by the Resolution Professional of M/s. Tejaswini Engineering Pvt Ltd (hereinafter referred to as “Corporate Debtor”) under Section 33(2) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as “Code”) for initiation of liquidation of the Corporate Debtor due to non-receipt of resolution plan.

2. The Insolvency Petition was filed by the Financial Creditor (i.e., M/s. BRS Enterprises & Trading Limited) under Section 7 of the Code vide CP (IB) No. 205/7/HDB/2020 and this Tribunal initiated Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor vide order dated 01.03.2021 and appointed Shri. Jagadees Kumar Morris as the Interim Resolution Professional (IRP).

3. On first COC meeting the members resolved to replace the present IRP and decided to appoint Ms. M Vazra Laxmi as the Resolution Professional. The Resolution Professional filed an application bearing IA No. 182/2021 for replacement of IRP before this Tribunal and the same was allowed vide order dated 24.04.2021.

4. On the second COC meeting, the applicant informed the members regarding the issuance of Form G for inviting the Expression of Interest from the prospective resolution applicants but the COC members deferred from taking decision on the same and on third COC meeting the members discussed about the valuations of financial assets of the Corporate Debtor and on view of the details



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of the Information Memorandum, no immovable assets or no plant and machineries available with the Corporate Debtor.

5. As per valuation report the Liquidation value of the financial assets is zero and the CoC members informed the applicant to file necessary application before this Tribunal for liquidating the Corporate Debtor.

6. On third CoC meeting, the members passed resolutions pursuant to the Regulation 39B, 39C and 39D of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. The applicant filed her consent to act as the Liquidator of the Corporate Debtor.

7. We have heard the Applicant in the present matter. The Hon'ble Apex Court in K. Sashidhar vs. Indian Overseas Bank and Ors (2019) 148 LA 497 (SC) inter-alia held that,

*“The Adjudicating Authority (NCLT) is not expected to do anything more; but is obligated to initiate liquidation process under Section 33 (1) of I&B Code. The legislature has not endowed the adjudicating authority (NCLT) with the jurisdiction or authority to analyse or evaluate the commercial decision of the CoC much less to enquire into the justness of the rejection of the resolution plan by the dissenting financial creditors”.*

8. From the above, it would appear that despite all possible steps as required under the Code taken during the CIRP. The CoC in its wisdom has resolved in favour of the liquidation of the Company. This Authority has no reason before it to take a contrary view in terms of Section 33 (2) of the Code. Therefore, we have no option than to pass an order of liquidation of the Company in the manner laid down in Chapter-III of the Code.



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9. The application is accordingly allowed with the following directions:-
- A. The Corporate Debtor i.e., M/s. Tejaswini Engineering Private limited shall be liquidated in the manner laid down in Chapter-III of the Code.
  - B. Ms. Mummaneni Vazra Laxmi having IP registration no. IBBI/IPA-001/IP-P00919/2017-2018/1156, email id: [emailtolak@gmail.com](mailto:emailtolak@gmail.com) contact no. 9848448727, is appointed as Liquidator.
  - C. She shall issue public announcement stating that the Corporate Debtor is in liquidation.
  - D. The Moratorium declared under Section 14 of the Code shall cease to operate here from.
  - E. Subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
  - F. All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
  - G. The Liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code read with



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Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

- H.** Personnel connected with the Corporate Debtor shall extend all assistance and co-operation to the Liquidator as would be required for managing its affairs.
- I.** The Liquidator shall entitled to such fees as may be specified by the Board in terms of Section 34(8) of the Code.
- J.** This order shall deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the liquidation process by the Liquidator.
- K.** The Applicant shall furnish the copy of the Order to IBBI, Regional Director, Ministry of Corporate Affairs, Registrar of Companies, Official Liquidator, Hyderabad and the registered office of the Corporate Debtor.

  
**VEERA BRAHMA RAO AREKAPUDI**  
**MEMBER (TECHNICAL)**

  
**DR N V RAMAKRISHNA BADARINATH**  
**MEMBER (JUDICIAL)**