



**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, COURT-II, CHANDIGARH**

IA(IBC)(Liq)/ 10(CH)2024
in
CP(IB) No.153/Chd/Hry/2020
(Admitted)

(An Application under Section 33(1) of Insolvency And Bankruptcy Code, 2016)

In the Matter of:

IA(IBC)(Liq)/ 10(CH)2024

Mr. Sumat Kumar Gupta

Resolution Professional of Richi Rich Agro Foods Private Limited
C/o 2581/3B/1, Near Zoom Hotel Building, Industrial Area-A,
Transport Nagar, Ludhiana
Email: cirp.richirich@gmail.com

.....Applicant

And in the Matter of:

CP(IB) No.153/Chd/Hry/2020

(An Application under Section 7 of the Insolvency And Bankruptcy Code, 2016)

State Bank of India

.....Financial Creditor

VERSUS

Richi Rich Agro Foods Private Limited

....Respondent/Corporate Debtor

Order delivered on : 19.02.2026

**Coram: MR. KHETRABASI BISWAL, MEMBER(JUDICIAL)
MR. KAUSHALENDRA KUMAR SINGH, MEMBER (TECHNICAL)**

Present :-

For the Applicant-RP

: Mr. Harsh Garg and Ms. Ramneek Kaur,
Advocates

For the Respondent

: Mr. Vishal Sharma and Mr. Manjit Singh,
Advocates



ORDER

1. The present application has been filed by Mr. Sumat Kumar Gupta, Resolution Professional of Richi Rich Agro Foods Private Limited, (hereinafter referred to as the “**Applicant**”) under Section 33(1) of Insolvency And Bankruptcy Code, 2016 (hereinafter referred to as the ‘Code’) for the initiation of liquidation of the Corporate Debtor.

2. The averments made by the Applicant in the present Application and as argued by the learned counsel are summarized as under:

i. An Application under Section 7 of the Code was filed by the Financial Creditor, State Bank of India (sole member), and admitted *vide* order dated 01.08.2023. Vide the said order, Mr. Sumat Kumar Gupta was appointed as the Interim Resolution Professional and was subsequently confirmed as the Resolution Professional in the first meeting of the Committee of Creditors (hereinafter referred to as the ‘**CoC**’) held on 29.08.2023.

ii. The IRP published Form A inviting claims and, upon receipt thereof, constituted the CoC comprising a sole Financial Creditor, State Bank of India, with 100% voting share. In the first CoC meeting the IRP as RP was approved by the CoC.

iii. In the second CoC meeting the appointment and fees of two independent valuers for land and building and plant and machinery were approved, while no valuers were appointed for securities and financial assets due to non-cooperation of the suspended directors. In the same



meeting, the Information Memorandum, eligibility criteria, evaluation matrix, EMD and amended Form-G were taken on record, and approval was also granted for filing an application under Section 19(2) of the Code for directions against the suspended directors, as recorded in the minutes annexed as Annexure A-3.

iv. The RP apprised the CoC that Form-G had been published on 25.09.2023 with the last date for submission of EOIs being 10.10.2023, pursuant to which three EOIs were received from M/s SPSS Infrastructure Pvt. Ltd., M/s Noida Holdings Pvt. Ltd., and Mr. Umesh Garg.

v. The RP apprised the CoC that a resolution plan along with an EMD of Rs. 5,00,000 had been received from M/s SPSS Infrastructure Pvt. Ltd. The CoC noted that consideration of the resolution plan was still pending with the higher authorities. The RP further informed that the initial CIRP period of 180 days was expiring on 28.01.2024, whereupon the CoC, with 100% voting share, resolved to extend the CIRP period by 90 days.

vi. The resolution applicant's final offer of Rs. 3.5 crores was discussed, and the CoC asked the applicant to improve the financial terms and deferred the matter. The CoC rejected the resolution plan and, with 100% voting share, resolved to liquidate the Corporate Debtor.

vii. In view of Regulations 39B, 39C and 39D of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, the CoC resolved to decide the estimated liquidation cost in the first meeting of the



Stakeholders' Consultation Committee, approved the liquidator's remuneration at 50% of the fees prescribed under Regulation 4(a) and (b) of the Liquidation Regulations, and rejected the proposal for sale of the corporate debtor as a going concern.

3. Pursuant to the directions of the Tribunal vide order dated 24.09.2024, the Resolution Professional filed an affidavit stating the last audited balance sheet of the Corporate Debtor for the year ending 31.03.2015 is annexed as Annexure-1 to the Affidavit.

3.1 The RP has prepared a reconciliation report with respect to the assets and liabilities of the Corporate Debtor as per the last audited balance sheet dated 31.03.2015, in comparison with the valuation reports.

3.2 It is further submitted that as on the insolvency commencement date there was complete non-cooperation on the part of the suspended board, as no documents or details were provided by the suspended directors, and consequently the RP was unable to prepare a provisional balance sheet as on the insolvency commencement date; accordingly, an application under Section 19 of the Code has been filed by the RP and is pending adjudication, and additionally an application under Section 66 of the Code has also been filed against the suspended directors and other parties for indulging in fraudulent transactions and wrongful trading.

4. The CoC in its 8th meeting resolves as under;

"RESOLVED THAT the estimates of Liquidation costs will be discussed and placed in the 1st meeting of Stakeholders' consultation committee or thereafter, after approval of liquidation of the corporate debtor by Adjudicating Authority."



RESÓLVED FURTHER THAT the difference between the estimated value of liquid assets and the estimated liquidation costs shall be borne by the Committee of Creditors.

RESOLVED FURTHER THAT in the event of any unforeseen expenditure/cost incurred by the Liquidator in Liquidation process of Richi Rich Agro Foods Private Limited, the financial creditors shall reimburse the actual expenditure to the Liquidator".

"RESOLVED THAT in accordance with Regulation 4(2) of IBB (Liquidation Process) Regulation, 2016, the liquidator shall be entitled to a fee of 50 percent of the fee as prescribed under regulation 4(2) (b) of the IBBI (Liquidation Process) Regulations, 2016 as a percentage of the amount realized net of other liquidation costs and of the amount distributed"

5. We heard the learned counsel for the Applicant and have perused the material available on record carefully.

6. From the material placed on record, we note that the CIRP was duly initiated on an application under Section 7 of the Code filed by the sole Financial Creditor, State Bank of India, and admitted by order dated 01.08.2023. The appointment and confirmation of the RP by the CoC, and the conduct of the CIRP including publication of Form A and Form-G, constitution of the CoC, appointment of valuers, and consideration of resolution plans, are found to be in accordance with the provisions of the Code and the applicable Regulations. In compliance with the directions of the Adjudicating Authority dated 24.09.2024, the RP has placed on record the last audited balance sheet of the Corporate Debtor as on 31.03.2015 along with a reconciliation report vis-a-vis the valuation reports.



7. It is further observed that despite receipt of expressions of interest and consideration of a resolution plan, no viable and acceptable resolution could be achieved. The CoC, after due deliberation and with unanimous voting share, rejected the resolution plan and resolved to liquidate the Corporate Debtor while complying with the Regulations 39B, 39C and 39D of the CIRP Regulations.

8. In view of the satisfaction of the conditions provided under section 33 of the Code, the Corporate Debtor, i.e., **Richi Rich Agro Foods Private Limited**, is directed to be liquidated in the manner as laid down in Chapter III of the Code.

9. Accordingly, by exercising our power under section 33(2) of the Code we pass the following Orders:-

(i) The Corporate Debtor shall be liquidated in the manner provided under Chapter III, Part II of the Code and other relevant rules and Regulations, including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017.

(ii) The Moratorium declared under section 14 of the Code shall cease to have effect from the date of the Order of liquidation.

(iii) According to section 34(4)(b) of the Code and as recommended by the CoC, we hereby appoint Mr. Deepak Thukral, having Registration No. IBBI/IPA-002/IP-N00182/2017-18/10453, email: deepakthukral1@gmail.com, as a liquidator of the Corporate Debtor, i.e.,



Richi Rich Agro Foods Private Limited. The liquidator so appointed shall complete the liquidation process as per the provisions of the Code read with the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

(iv) All the powers of the Board of Directors, key managerial persons, and the members /partners of the Corporate Debtor, as the case may be, hereafter cease to exist. All these powers henceforth vest with the liquidator.

(v) The personnel of the Corporate Debtor are directed to extend all cooperation to the liquidator as required by him in managing the liquidation process of the Corporate Debtor.

(vi) Once the liquidation process is initiated, subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor. The liquidator has the liberty to institute a suit and other legal proceedings on behalf of the Corporate Debtor with the prior approval of this Adjudicating Authority, as provided in sub-section (5) of section 33 of the Code.

(vii) This liquidation Order shall be deemed to be notice of discharge to the officers, employees, and workmen of the Corporate Debtor, except to the extent that the business of the Corporate Debtor continued during the liquidation process by the liquidator.

(viii) This Adjudicating Authority directs the liquidator to issue a public announcement stating that the Corporate Debtor is in liquidation. The liquidator will also serve a copy of this order to the various Government



Departments, such as Income Tax, GST, VAT, etc., who are likely to have any claim upon the Corporate Debtor so that the authorities concerned are informed of the liquidation Order in a timely manner. The liquidator will also provide a copy of this order to the trade unions/employee associations of the Corporate Debtor so that the workmen/employees can also be informed of this liquidation Order through their association.

(ix) The Registry is directed to communicate this Order to the concerned Registrar of the Companies, the registered office of the Corporate Debtor, the Resolution Professional, and the liquidator by speed post as well as e-mail within one week from the date of this Order, after completion of all the formalities.

(x) The present Resolution Professional is directed to hand over the relevant documents and control of the Corporate Debtor to the newly appointed Liquidator forthwith.

10. Accordingly, **IA(IBC)(Liq)/10(CH)2024** is allowed and disposed of.

Sd/-

Kaushalendra Kumar Singh
Member (Technical)

Jashan

Sd/-

Khetrabasi Biswal
Member (Judicial)