

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, (Court – I)
KOLKATA**

CP(IB)/217(KB)2022

An application under section 59(7) of the Insolvency and Bankruptcy Code, 2016

In the matter of:

Sambodhi Healthcare Private Limited, under Voluntary Liquidation

(CIN: U85300JH2017PTC010565);

Represented by its Liquidator –

Mr. Ajay Kumar

.... Applicant/Liquidator

Date of Hearing: 21/07/2023

Coram:

Shri Rohit Kapoor

: Member (Judicial)

Shri Balraj Joshi

: Member (Technical)

Appearances through hybrid mode:

For the Applicant

: Mr. Dripto Sen, Adv.

Mr. Ajay Kumar, Liquidator in person

FOR CLARIFICATION

1. **CP(IB)/217(KB)2022** is an application filed by the Liquidator of Sambodhi Healthcare Private Limited under section 59(7) of the Insolvency and Bankruptcy Code, 2016 for dissolution of the Corporate Debtor (Corporate Person).
2. While going through the application, the following inconsistencies are observed: -
 - (a) As per records, this application was filed on the e-portal on **19/07/2022**, whereas the affidavit verifying the application was affirmed by the applicant on **02/08/2022**.
 - (b) Similarly, affidavit at pages 131 and 132 (Annexure – “M”) of the application has also been affirmed **on 02/08/2022**.
 - (c) Affidavit of Declaration of Solvency affirmed **on 06/02/2020** has not been annexed in original.

- (d) The complete **Minutes of the EoGM held on 03/03/2020 along with the attendance sheet** has not been **annexed** with the application.
- (e) The liquidation account in the name of the corporate person has a balance of **Rs.55,778.54**. It is required to be 'zero' as per Regulations. Following statements are required to be furnished: -
- (i) Statements from the Bank from date of starting of voluntary liquidation , i.e., 03/03/2020 till the closure of the liquidation account along with a certificate in original duly issued by the concerned bank that the **liquidation account** maintained in the name of the Corporate Person is closed upon the balance become "zero"; and
 - (ii) Statement of Accounts from date of starting (03/03/2020) till closure of liquidation account concerning the Liquidation Period duly audited by an Auditor.
- (f) It is stated in the application that the Corporate Person was in possession of **a land situated in Ranchi District, Cash and Bank Balance**. It is not clear whether **the Cash and Bank Balance have been transferred to the liquidation account**. Since there are no such averments made in the application to that effect, Applicant shall produce documentary evidence to show that Cash and Bank balance has been transferred to the liquidation account.
- (g) Last two years balance sheet duly signed by the Auditor be furnished.
- (h) It is also not clear from the application –
- (i) As per regulation 3(2) of the IBBI (Voluntary Liquidation Process) Regulations, 2017 (in short, "**Regulations 2017**"), whether intimation to the Board (IBBI) has been made within seven days;
 - (ii) Compliance Certificate in **Form H** has not been submitted with the application, which is mandatory as per regulation 38(3) of Regulations 2017 while submitting an application u/s. 59(7) of the Code for dissolution of the Corporate Person.

- (i) The Preliminary Report submitted by the applicant is in very small font, which is practically impossible to read.
 - (j) Final Report mentions about various Annexures from Annexure - 1 to Annexure - 6 which are not found annexed with the Final Report and also the report is not regulations 37 compliant.
3. Therefore, the Liquidator is hereby directed to file an affidavit with legible supporting documents clarifying the points raised in paragraphs 2(a) to 2(j) above within two weeks.
4. List the matter on **09/10/2023**.

(Balraj Joshi)
Member (Technical)

(Rohit Kapoor)
Member (Judicial)

Signed on this, the 6th day of September, 2023

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