

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 11
(IB)-1343(PB)/2018

IN THE MATTER OF:

Bank Of Baroda

Vs

One World Travel Solutions Ltd.

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Applicant/Petitioner

Respondent

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

Order delivered on 16.02.2021

CORAM:

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

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

PRESENT:

For the RP

: Mr. Rishabh Tripathi, Adv. alongwith Sandeep Goel, RP

ORDER**IA-596/2021**

It is an application filed by the Resolution Professional (RP) seeking order for liquidation based on the resolution passed by CoC in the 9th meeting held on 26.11.2020. Against this Corporate Debtor, CIRP was initiated on 03.12.2019 thereafter, the admitted claims is aggregated to ₹ 23,53,55,373. As there was no co-operation from the erstwhile directors, the RP filed an application u/s 19(2) of the Insolvency & Bankruptcy Code (IA-985/2020) for the suspended directors not cooperated and no no information being supplied by them, Section 19(1) application has still remained pending. Upon invitation of Expression of Interest, the prospective applicants submitted their Form-Gs, but those Forms have not met with the eligibility criteria set out by the CoC, it has directed the RP on 26.11.2020 to file this application for order of liquidation.

2. The RP, Mr. Sandeep Goel further submits that he was appointed as RP on 17.02.2020 by the sole financial creditor with 100% voting share. He further says that several legal proceedings pending against the corporate debtor before the Hon'ble High Court of Delhi and Subordinate courts. As it has no assets, and the account of the corporate debtor has remained non-performing asset



since 2014. He has also informed the CoC that this corporate debtor did not submit its financial statement with ROC since 2012 and the suspended board of directors failed to provide the details and records of the corporate debtor, all this is on record in the minutes of 4th CoC meeting dated 10.07.2020. He has given the details of the cases pending against Suspended Directors which are as follows:-

“It is submitted that vide email dated 06.02.2020, the information received from the Ex-management of the Corporate Debtor and their appointed Legal Counsels appearing in various cases pending before Hon’ble High Court of Delhi and subordinate Courts prior to CIRP commencement are: a. M/s Airworth Tours and Travels Pvt. Ltd. vs. Easy Trip Planners Pvt. Ltd. & Ors. before the Delhi High Court bearing IPA 04/ 2018 b. M/s Easy Trip Planners Pvt. Ltd. vs. M/s Airworth Tours and Travels Pvt. Ltd. & Ors. before the Delhi High Court bearing CS (OS) No. 576/2015 c. M/s Easy Trip Planners Pvt. Ltd. vs. M/s One World Travel Solutions Ltd. & Ors. before Ms. Babita Puniya, Ld. MM (Shahdra)-Karkardooma Courts bearing CC NO. 1371/ 2016. d. M/s One World Travel Solutions Ltd. & Anr. Vs. M/s Easy Trip Planners Pvt. Ltd. before the Delhi High Court bearing Criminal Misc. Petition No. 2257/2016. e. Crl. M.C. No. 3695/2015: Sonila Mehra vs. State of NCT of Delhi & Anr., before the Delhi High Court, FIR bearing no. RCB1/2016/E/0009 dated 08.09.2016 at Police Station (PS) CBI, BS & FC lodged by Indian Overseas Bank. g. FIR No. 119/2015, PS-EOW A true copy of the E-mail dated 06.02.2020 from the erstwhile Director of the Corporate Debtor is enclosed herewith and marked as ANNEXURE -I.”

3. Over and above, the RP has stated that the corporate debtor has assets of worth ₹ 1,38,15,322, out of which, the vehicles are worth of ₹ 22,08,721, but whereabouts of those vehicles are unknown.

4. In the backdrop of these facts, the applicant and CoC in the meeting dated 15.08.2020, a proposal was placed before the CoC for One time settlement, in lieu of it, CIRP period was extended on 26.08.2020. In the 7th meeting held on 03.10.2020, the CoC informed that the higher authority was considering the settlement



proposal from ex-management, but no settlement has been fructified, in a bid to try for solution, another extension was taken on 03.11.2020.

5. In the 8th CoC meeting dated 03.11.2020, the CoC was informed no settlement was arrived at, then in the 9th CoC meeting held on 26.11.2020, the CoC instructed the RP to file an application before this authority to liquidate the Corporate Debtor u/s 33(2) of IBC, for the CoC failed in its attempts to approve a resolution plan or at least one time settlement, upon the consent of the Resolution Professional to continue as liquidator to carry the functioning of the liquidation process.

6. Looking at the averments of the aforementioned, since it is clear on the record that nothing valuable is left in the company, CoC has validly passed a resolution for liquidation of the company.

7. In view thereof this application is hereby allowed with directions:-

- 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. Sandeep Goel 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

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