

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH-I
KOLKATA**

C.P. (I.B) No. 259/KB/2021

In the matter of:

A Petition under section 10 of the Insolvency and Bankruptcy Code, 2016 read with rule 7 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons), Regulations 2016.

And

In the matter of:

Ways Estates Limited

(CIN:U01403BR2010PLC016413)

Having its registered office at: -

opp. Swadha Apartment, Asiyana Road,
Patna- 800014

...Corporate Applicant

Coram:

Shri Rajasekhar V.K.

: Member (Judicial)

Shri Balraj Joshi

: Member (Technical)

Date of hearing: 16 June 2021

Order pronounced on: 30 June 2022

Appearances (through hybrid mode)

For Corporate Applicant

- : 1. Ms. Manju Bhuteria, Advocate
2. Mr. Rahul Parasrampurua, PCS
3. Mr. Rohit Parasrampurua, PCA

Directors of the Corporate Applicant

- : 1. Mr. Abhay Raj
2. Mr. Alok Ranjan
3. Mr. Nilabh Prasoon

ORDER

Rajasekhar V.K., Member (Judicial)

1. This Court convened through hybrid mode today.
2. The present Petition has been filed by Ways Estates Limited, CIN: U01403BR2010PLC016413, the Corporate Applicant, under section 10 of the Insolvency and Bankruptcy Code, 2016 (the Code) for initiation

of Corporate Insolvency Resolution Process (CIRP) against itself. The Application has been filed through its Director, Mr. Abhay Raj, duly authorised *vide* Board Resolution dated 29 July 2021. A copy of the Board Resolution dated 29 July 2021 is annexed to the Petition and marked as **Annexure- B** on **Page 15**.

3. The Corporate Applicant was incorporated on 31 December 2010 and is engaged in the business of real estate and development of agricultural land at various places, organises the sale of undeveloped agricultural land of different sizes to prospective buyers etc.
4. The Corporate Applicant defaulted in payment to Mr. Shivpujan Ray on 11 March 2019. Mr. Shivpujan Ray has send a demand notice on 17 June 2021¹.
5. The total debt owed to the Financial Creditors is Rs.2,44,55,359/- (Rupees Two Crore Forty-Four Lakh Fifty-Five Thousand Three Hundred Fifty-Nine only)
6. The members of the Corporate Applicant have given their consent by way of a resolution passed in the Extraordinary General Meeting held 23 August 2021 to file the application under section 10 of the Code. A copy of the Resolution dated 23 August 2021 is annexed to the Petition and marked as **Annexure- L** at **Page 264**.
7. It is submitted that the Corporate Applicant has three Financial Creditors and Nil Operational Creditors. But on perusal of the record, it is seen that the Corporate Applicant has a customer base of 3922 customers, who have made partial and full payments to the Corporate Applicant for purchase of land.
8. In support of its Application, the Corporate Applicant has submitted, *inter alia*, the following documents: -

¹ Annexure M at Page 265 of the C.P.

- (a) Memorandum and Articles of Association of the Corporate Applicant.
 - (b) List of customers.
 - (c) Audited Balance Sheets for the Financial year 2018-19 and 2019-20.
9. The Corporate Applicant has proposed the name of Mr. Ajay Kumar (Regn. No. IBBI/IPA-002/IP-N00354/2017-2018/11004) to function as the Interim Resolution Professional (IRP). Mr. Ajay Kumar has submitted his written communication in Form 2. The written communication is annexed to the Petition and marked as **Annexure- F** on **Pages 209-210**.
10. We have heard the learned Counsel appearing for the Corporate Applicant and have perused the documents on record.
11. There is no dispute from any quarter towards the fact that the debt is due and payable by the Corporate Applicant to various creditors and that the Corporate Applicant is unable to pay the same.
12. The Corporate Applicant has furnished the books of accounts for the relevant period under section 10(3)(a); the Corporate Applicant has proposed the name of the IRP who has submitted its written consent (section 10(3)(b)); the Corporate Applicant has also filed the Special Resolution passed by shareholders in General meeting dated 23 August 2021 under section 10(3)(c).
13. The application is free from defects and complete in all aspects as required under the law. The Application shows that the Corporate Debtor is in default of a debt that is due and payable, and the default is more than the threshold amount as stipulated under section 4(1) of the

Code at the relevant time. The default stands established and there is no reason to deny the admission of the present Application.

14. The Directors of the Corporate Applicant have also filed undertakings that they shall extend all assistance to the Interim Resolution Professional/ Resolution Professional on 16 June 2022.

15. Therefore, in the light of the facts stated in the application and the evidence placed on record, this Adjudicating Authority admits this Application and orders initiation of CIRP against the Corporate Debtor under the following terms: -

- (a) The Application bearing C.P.(IB)No. 259/KB/2021 filed by the Corporate Applicant under section 10 of the Insolvency & Bankruptcy Code, 2016, is hereby admitted for initiating the Corporate Insolvency Resolution Process in respect of Ways Estates Limited [CIN: U45200BR2008PTC013907].
- (b) There shall be a moratorium under section 14 of the IBC.
- (c) The moratorium shall have effect from the date of this order till the completion of the CIRP or until this Adjudicating Authority approves the resolution plan under sub-section (1) of section 31 of the IBC or passes an order for liquidation of Corporate Debtor under section 33 of the IBC, as the case may be.
- (d) Public announcement of the CIRP shall be made immediately as specified under section 13 of the Code read with regulation 6 of the Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
- (e) As per the proposal given by the Corporate Applicant, Mr. Ajay Kumar (Regn. No. IBBI/IPA-002/IP-N00354/2017-2018/11004, having email id. akumarassociate@yahoo.co.oin is appointed as

the IRP for ascertaining the particulars of Creditors and convening a Committee of Creditors for evolving a Resolution Plan.

- (f) During the CIRP period, the management of the Corporate Person shall vest in the IRP or, as the case may be, the RP in terms of section 17 of the IBC. The officers and managers of the Corporate Person shall provide all documents in their possession and furnish every information in their knowledge to the IRP within one week from the date of receipt of this Order, in default of which coercive steps will follow.
- (g) The IRP/RP shall submit to this Adjudicating Authority periodical reports on quarterly basis with regard to the progress of the CIRP in respect of the Corporate Debtor.
- (h) The Corporate Applicant to pay to IRP a sum of Rs.3,00,000/- (Rupees Three Lakh only) to meet the initial costs, as per Regulation 33(3) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, which amount shall be adjusted at the time of final payment.
- (i) The Resolution Professional shall conduct CIRP in a time-bound manner as per Regulation 40A of IBBI (Insolvency Resolution Process for Corporate Persons) Regulation, 2016.
- (j) The Court Officer of this Court is hereby directed to communicate this Order to the Corporate Person and the IRP by Speed Post, email and WhatsApp immediately, and in any case, not later than two days from the date of this Order.
- (k) Additionally, the Corporate Person shall serve a copy of this Order on the IRP and on the Registrar of Companies, Bihar, Patna by all available means for updating the Master Data of the

IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH-I

In Re. Ways Estates Ltd.
C.P. (I.B) No. 259/KB/2021

Corporate Person. The said Registrar of Companies shall send a compliance report in this regard to the Registry of this Court within seven days from the date of receipt of a copy of this order.

16. CP (IB) No. 259/KB/2021 to come up on 10 October 2022 for filing the first periodical report.

17. A certified copy of this order may be issued, if applied for, upon compliance with all requisite formalities.

**BALRAJ
JOSHI** Digitally signed by
BALRAJ JOSHI
Date: 2022.06.30
23:00:19 +05'30'

Balraj Joshi
Member (Technical)

**Rajasekhar
V K** Digitally signed by Rajasekhar V K
DN: c=IN, o=Personal, title=0605,
pseudonym=490a45134c9ad68ed2365dbf55b7504ee43
a5491c4e489acdb57ba6ffde5cc, postalCode=600018,
st=Tamil Nadu,
serialNumber=f05120aee9b7978e7f4f18a3ac75eb59d05
e036c92a85059386c6edc8e7396, cn=Rajasekhar V K
Date: 2022.06.30 20:23:38 +05'30'
Adobe Acrobat Reader version: 2022.001.20142

Rajasekhar V.K.
Member (Judicial)

Order pronounced on the 30th day of June 2022

GGRB_LRA