

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

8. C.P.(IB)3650/MB/2018

CORAM: SHRI. H.V.SUBBA RAO, MEMBER (J)
SHRI CHANDRA BHAN SINGH, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **02.03.2022**

NAME OF THE PARTIES: Bank of Maharashtra

V/s

Transport Solutions India Pvt Ltd.

SECTION 7 OF INSOLVENCY AND BANKRUPTCY CODE, 2016

ORDER

Ms. Jesal Singh, counsel appearing for the Petitioner, Ms. Bhavne and company counsel appearing for the Corporate Debtor are present through virtual hearing.

It is observed from the earlier orders that the corporate debtor has submitted OTS proposal to the Financial Creditor and also undertook to deposit 10 Crores into a no lien account so as to consider the OTS proposal by the Financial Creditor which amounts to admitting the debt and default.

Since this bench has no power to issue any direction to the Financial Creditor to consider the OTS proposal in a particular manner, there is nothing to be decided in the above case except to admit the above company petition.

Accordingly, the above Company petition is admitted. Detailed order follows:

Sd/-
CHANDRA BHAN SINGH
Member (Technical)

Sd/-
H.V.SUBBA RAO
Member (Judicial)

**IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III**

C.P. No. 3650/IBC/MB/2018

Under Section 7 of the Insolvency and
Bankruptcy Code, 2016 read with
Rule 4 of the Insolvency and
Bankruptcy (Application to
Adjudication Authority) Rule 2016)

In the matter of

Bank Of Maharashtra

Bank Of Maharashtra, Head Office,
“Lokmangal”, 1501, Shivajinagar,
Pune-411005.

.....Financial Creditor

Vs

**Transport Solutions India Private
Limited**

(CIN: U34201PN2006PTC021794)

Registered office at: Sr. No. 170, Plot
No. D-1, Chakan- Talegaon Highway,
MIDC Chakan, Khalumbre, Pune-
410501.

.....Corporate Debtor

Order Dated: 02.03.2022

Coram:

Hon’ble Shri H.V. Subba Rao, Member (Judicial)

Hon’ble Shri Chandra Bhan Singh, Member (Technical)

For the Petitioner: Mr. Jesal Singh, Advocate

For the Respondent: Bhave and Company

1. This Company petition is filed by *Bank Of Maharashtra* (hereinafter called “Financial Creditor”) seeking to initiate Corporate Insolvency Resolution Process (CIRP) against *Transport Solutions India Private Limited* (hereinafter called “Corporate Debtor”) by invoking the provisions of Section 7 Insolvency and

bankruptcy code (hereinafter called “Code”) read with Rule 4 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for Resolution of an unresolved Financial debt of Rs. 24,24,42,995/- (Rupees Twenty-Four Crores Twenty Four Lakh Forty Two Thousand Nine Hundred Ninety Five Only).

2. The Corporate Debtor filed reply duly signed by the authorized representative, Mr. Anand Singh. The Corporate Debtor in the above reply contends that the loan account was wrongly classified as NPA and the Financial Creditor filed original application bearing No. 176/2016 before the Debt Recovery Tribunal, Pune against them for a claim of Rs. 22,57,65,097/- (Rupees Twenty-Two Crores Fifty Seven Lakh Sixty Five Thousand Ninety Seven Only).
3. The Corporate debtor further contends that the Financial Creditor has agreed for an OTS settlement etc. Except the above contention, the Corporate Debtor did not raise any substantial legal contention warranting dismissal of the above company petition. On the other hand, the Corporate Debtor on various occasions took adjournments from the tribunal on the ground of settlement. In fact, after submitting the arguments before Court No. 1, the Corporate Debtor gave an undertaking to deposit Rs.10 crores into a no lien account so as to enable the bank to take a call on the OTS proposal and it appears the Corporate Debtor did not stick-on to the undertaking.
4. After briefly hearing the submissions of both sides and upon perusing the reply filed by the corporate debtor and various Daily orders of this bench, this Bench is of the considered view that there is nothing much to be decided in the above company petition and the existence of “debt” and “default” stands proved through various OTS proposals given by the Corporate Debtor. For the forgoing reason, this bench is of the view that there is no

substantial defence raised by the Corporate Debtor and the above company petition deserves to be admitted.

5. Accordingly, the above company petition is admitted by passing the following:

ORDER

- a. The above Company Petition No. (IB) -3650(MB)/2018 is hereby allowed and initiation of Corporate Insolvency Resolution Process (CIRP) is ordered against M/s Transport Solutions India Private Limited.
- b. This Bench hereby appoints **Mr. Harshad Shamkant Deshpande** Insolvency Professional, Registration No: IBBI/IPA-001/IP-P00166/2017-2018/10335 as the Interim Resolution Professional to carry out the functions as mentioned under the Insolvency & Bankruptcy Code, 2016.
- c. The Financial Creditor shall deposit an amount of Rs.5 Lakh towards the initial CIRP costs by way of a Demand Draft drawn in favour of the Interim Resolution Professional appointed herein, immediately upon communication of this Order.
- d. That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by

- an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.
- e. That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
 - f. That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
 - g. That the order of moratorium shall have effect from the date of pronouncement of this order till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of section 31 or passes an order for liquidation of corporate debtor under section 33, as the case may be.
 - h. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
 - i. During the CIRP period, the management of the corporate debtor will vest in the IRP/RP. The suspended directors and employees of the corporate debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP/RP.
 - j. Registry shall send a copy of this order to the Registrar of Companies, Mumbai, for updating the Master Data of the Corporate Debtor.
 - k. Accordingly, this Petition is admitted.
 - l. The Registry is hereby directed to communicate this order to both the parties and to IRP immediately.

Sd/-
CHANDRA BHAN SINGH
MEMBER (TECHNICAL)

Sd/-
H.V. SUBBA RAO
MEMBER (JUDICIAL)