

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH**

(Video Conference)

PRESENT: JUSTICE TELAPROLU RAJANI – MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 26.05.2023 AT 10.30 AM

TC/CP. Nos.	CA/IA No.	Section/ Rule	Name of Parties
CP(IB)/126/9/AMR/2022	Main Case	9 of IBC	Kriyas Unipro Private Limited Vs BFIP Enterprises Private Limited
	IA(IBC)/199/2023	Sec. 33(2) of IBC	Mr. Kantipudi VenkataRaju, RP of M/s BFIP Enterprises Private Limited

ORDER

IA(IBC)/199/2023:

Mr.Kantipudi Venkata Raju, RP present in person. Orders pronounced.

IA(IBC)/199/2023 is allowed, vide separate orders.

Sd/-

**JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL**

RSN

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH AT MANGALAGIRI**

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**IA(IBC)/199/2023
IN
CP (IB)/126/9/AMR/2022**

Under Section 33 (2) of Insolvency and Bankruptcy Code, 2016

**In the matter of
M/s. BFIP ENTERPRISES PRIVATE LIMITED**

Between:

Mr.Kantipudi Venkata Raju
Resolution Professional of
M/s. BFIP Enterprises Private Limited (CD)
H.No.7-194, Raghavendra Nagar,
Satyanarayanapuram, Tirupati
Chittoor, Andhra Pradesh – 517 507

..... Applicant/RP

Date of Pronouncement of Order: 26.05.2023

CORAM:

Justice Telaprolu Rajani, Member Judicial

Appearance:

For Applicant/RP : Mr. Kantipudi Venkata Raju, RP.

ORDER

Per: Justice Telaprolu Rajani, Member Judicial

1. This is an Application filed by the Resolution Professional under Section 33 (2) of the Insolvency and Bankruptcy Code, 2016 seeking orders for Liquidation of the Corporate Debtor i.e., M/s. **BFIP**

Enterprises Private Limited and for appointment of **Mr.Kantipudi Venkata Raju**, Applicant/RP herein as the Liquidator.

2. The brief facts of the Application are:

- i. The Company Petition i.e., CP (IB)/126/9/AMR/2022 was admitted by the Tribunal vide its order dated 25.01.2023. Mr.Kantipudi Venkata Raju (Applicant herein), was appointed as Interim Resolution Professional (IRP). The Applicant constituted the Committee of Creditors (CoC) and in the 1st CoC meeting, the CoC confirmed the Applicant as the RP.
- ii. The Applicant made public announcement on 28.01.2023 in Form A, in widely circulated newspapers i.e., Financial Express in (English Newspaper) and Prajashakthi (Telugu Newspaper) to invite claims from the creditors of the Corporate Debtor. In response to the public announcement, Applicant received claims from two operational creditors i.e., 1) M/s. Kriyas Unipro Pvt Ltd & 2) M/s. Balaji Enterprises. The admitted claim amount of both the Operational Creditors is Rs.1,26,90,991/-. There are no claims from the Financial Creditors, hence, the Applicant constituted the CoC with Operational Creditors.
- iii. The CD does not have any fixed assets and even stock. The applicant appointed two registered valuers for valuation of the other current assets, in which, the valuers submitted their reports.

- iv. In the CoC meeting held on 24.03.2023, the CoC approved the minimum eligibility criteria for Prospective Resolution Applicants (PRAs) and directed the applicant to publish Form G for inviting Expression of Interest (EoI) from PRAs. On 26.03.2023, the Applicant issued paper publication of Form G with the last date for receipt of EoIs as 10.04.2023. But there is no response to the Form G and no EoIs were received.
 - v. In the 3rd CoC meeting held on 16.04.2023, the CoC discussed the issue in detail and felt that there is no possibility of getting Resolution Plans as the unit does not have any fixed assets, certain office and staff, etc. Therefore, the CoC decided and unanimously resolved to liquidate the CD by authorising the Applicant to file an application to the Adjudicating Authority seeking for liquidation of the CD. In the same meeting, the CoC unanimously resolved to appoint the Resolution Professional Mr. Kantipudi Venkata Raju, IBBI Reg. No. IBBI/IPA-002/IP-NO1125/2021-2022/13675 as Liquidator and also resolved the fee of the Liquidator as Rs.1,00,000/- per month and his expenses as actuals. The applicant/RP gave his consent (i.e., Form AA) to act as Liquidator during the discussions with the CoC. Hence, this Application.
3. From the above, it would appear that despite all possible steps as required under the Code, taken during the CIRP, the CoC did not receive any viable proposal for revival of the Company.

ORDER

4. In view of the facts stated in the Application, this Tribunal allows the Application with the following directions.

- a) Mr. Kantipudi Venkata Raju (Registration No IBBI/IPA-002/IP-NO1125/2021-2022/13675), having office at 4-198, Manikya Nagar, Valasapakala, Kakinada, AP-533005; e-mail: **kantipudiven@gmail.com**; Mobile:(+91)9848835882 is appointed as the Liquidator. No disciplinary proceedings are pending against him as per the IBBI website.
- b) He shall issue public announcement stating that Corporate Debtor is in Liquidation.
- c) The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate here from.
- d) Subject to section 52 of the IBC 2016 no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- e) All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
- f) The liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code, read

with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.

- g) Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
 - h) The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
 - i) This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the Liquidation process by the Liquidator.
 - j) Copy of the Order shall be furnished to the IBBI, to the Regional Director (South Eastern Region), Ministry of Corporate Affairs; Registrar of Companies & Official Liquidator, Andhra Pradesh, the Registered Office of the Corporate Debtor; and the Liquidator.
5. With the above directions IA(IBC)/199/2023 in CP (IB)/126/9/AMR/2022 is disposed of. Hence this Order.

Sd/-Dated 26.05.2023
JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL

Swamy Naidu