

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI (COURT NO. IV)  
Company Petition No. IB-3353/ND/2019**

*[Under Section 9 of the Insolvency and Bankruptcy Code, 2016 Read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016]*

**IN THE MATTER OF:**

**JONES LANG LASALLE BUILDING OPERATIONS PRIVATE  
LIMITED**

**...APPLICANT/OPERATIONAL CREDITOR**

**VERSUS**

**SARE FACILITY (OMR) SERVICES PRIVATE LIMITED**

**...RESPONDENT/ CORPORATE DEBTOR**

*JUDGMENT PRONOUNCED ON:31.12.2020*

**CORAM:**

**DR. DEEPTI MUKESH**

**HON'BLE MEMBER (JUDICIAL)**

**MS. SUMITA PURKAYASTHA**

**HON'BLE MEMBER (TECHNICAL)**

**MEMO OF PARTIES**

**JONES LANG LASALLE BUILDING OPERATIONS PRIVATE LIMITED**

Having registered office at:  
NO.1110, Level 11, Ashoka Estate,  
24, Barakhamba Road, New Delhi -110001

**...Applicant/Operational Creditor**

**Versus**

**1.M/S SARE FACILITY (OMR) SERVICES PVT. LTD.**

Registered office:

Having registered office at:  
815-816, 8<sup>th</sup> Floor International Tower,  
Nehru Place, New Delhi-110019

**2.UNION OF INDIA, MINISTRY OF CORPORATE AFFAIRS**

Through Secretary  
5<sup>th</sup> Floor, A-Wing, Shastri Bhawan  
New Delhi

**...Respondent/ Corporate Debtor**

**FOR THE APPLICANT** : Mr. Anupam Srivastava, Adv.  
Ms. Divya Joshi, Adv.  
**FOR THE RESPONDENT** :

**Per-Dr. Deepti Mukesh, Member (Judicial)**

1. The Present Application is filed under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for brevity 'code') read with Rules 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority), 2016 (for brevity 'the Rules') Jones Lang Lasalle Building Operations Private Limited (for brevity 'Applicant'), through Mr. Vishal Vijayvargiya, being the Manager Legal authorized vide board resolution dated 2<sup>nd</sup> May 2019, with a prayer to initiate the Corporate Insolvency process against M/s Sare Facility (OMR) Services Pvt. Ltd. (for brevity 'Corporate Debtor').
  
2. The Applicant is a private limited company incorporated on 01.11.2002 under the provision of Companies Act 1956, bearing CIN NO. U74140DL2002PTC117573 and having its registered office at 1110, Level 11, Ashoka Estate, 24 Barakhmaba Road, New Delhi-110001. The Authorized Share Capital of the company is 1,00,00,000/- and the paid-up share capital is Rs 5,02,000/-. The applicant is engaged in the business of providing property management services.
  
3. The Corporate Debtor is a private limited company incorporated on 06.07.2010 under the provisions of Companies Act, 1956 bearing CIN No. U40102DL2010PTC205338 having its registered office at 815-816, 8<sup>th</sup> Floor, International Trade Tower, Nehru Place, New Delhi -110019 and having Email Address: [sonam.gupta@saregroup.com](mailto:sonam.gupta@saregroup.com), as per the records maintained with ROC. The Authorized Share Capital of the company is 1,00,000/- and the paid-up share capital is Rs 1,00,000/-.
  
4. The applicant submits that the parties executed a Property Management Service Agreement dated 31.08.2018, to provide property management services at the corporate debtor's site namely Crescent Parc Dewy Terraces

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situated at Sowbaghya Vijayam Nagar, OMR, Thiruporur, Chengalpattu, Kanchipuram, and Tamil Nadu-603110.

5. Pursuant to the agreement, the applicant performed services at the site according to the stipulated terms and conditions and raised monthly invoices for the services rendered from Sep 2018 to June 2019. The applicant further submits that no dispute or discrepancy was ever raised by the corporate debtor with respect to the invoices which has been construed as deemed acceptance and acknowledgement of the invoices as per Clause 5 of the Agreement.

6. The applicant submits that the corporate debtor failed to make payment of various invoices and accordingly the total unpaid debt is Rs. 52,75,559/- (Rupees Fifty Two Lakhs Seventy Five hundred and Fifty Nine only.) The applicant further submits that payment reminder vide letter dated 20.08.2019 was sent to the corporate debtor for the outstanding due. However, neither any payment nor any response was received from the corporate debtor.

7. Consequently, the corporate debtor served a demand notice under Section 8 Form 4 of Insolvency and Bankruptcy (Application to the Adjudicating Authority) Rules, 2016 dated 09.09.2019. The said notice was delivered at the registered office of the corporate debtor on 11.09.2019, the copy of track report showing delivery has been annexed and delivery was done at the registered office as reflected in the master data of the corporate debtor. The corporate debtor never replied to the said notice nor had any notice of dispute under Section 8(2) been received by the applicant.

Therefore, the Applicant filed the present Application under section 9 of IBC, 2016 and served the copy of this application which is duly delivered to the Corporate Debtor as per service affidavit through speed

post and email. The corporate debtor in spite of service has not appeared before this bench to present its defense. Hence, the corporate debtor has been proceeded ex-parte vide order dated 30.01.2020 of the Hon'ble Bench, NCLT.

8. As per Form V, the total debt outstanding is Rs.52,75,559/- (Rupees Fifty Two Lakhs Seventy Five hundred and Fifty Nine only) till date of filing of application which is due and payable by the corporate debtor to the applicant.
9. The corporate debtor defaulted in payment of invoices raised from Sep 2018 to June 2019 and the present application is filed on 05.12.2019. Hence the application is not time barred and filed within the period of limitation.
10. The registered office of corporate debtor is situated in Delhi and therefore this Tribunal has jurisdiction to entertain and try this application.
11. The Applicant has filed an affidavit in compliance of section 9(3)(b). The present application is filed on the Performa prescribed under Rule 6 of the Insolvency and Bankruptcy Code, 2016 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 r/w Section 9 of the code and is complete.
12. Considering the submission and documents on record the applicant is entitled to claim its dues, establishing the default in payment of the operational debt. Moreover, the contentions of the applicant have remained uncontroverted and undisputed by the corporate debtor proving the debt becoming due. Hence, the application is admitted.

13.As a consequence of application being admitted and IRP name not suggested by the applicant, this Bench appoints, Ms. Minni Katariya having email id: [minnik1943@hotmail.com](mailto:minnik1943@hotmail.com) and registration no. IBBI/IPA-003/IP-N00273/2020-2021/13097 as the Interim Resolution Professional, subject to the condition that no disciplinary proceedings are pending against him. The IRP is required to file consent Form-2 of the Insolvency and Bankruptcy Board of India (Application to Adjudicating Authority) Rule 2016 and make disclosures as required under IBBI (Insolvency Resolution Process for Corporate Persons) Regulation 2016, within a period of one week from this order.

14.The application being admitted in terms of Section 9(5) of IBC, 2016, moratorium as envisaged under the provisions of Section 14(1), shall follow in relation to the corporate debtor, prohibiting as per proviso (a) to (d) of the Code. However, during the pendency of the moratorium period, terms of Section 14(2) to 14(4) of the Code shall come in force.

15.We direct the applicant to deposit a sum of Rs. 2 lacs with the Interim Resolution Professional, namely Ms. Minni Katariya to meet out the expenses and perform the functions assigned to him in accordance with regulation 6 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Person) Regulations, 2016. The needful shall be done within one week from the date of receipt of this order by the applicant. The amount however be subject to adjustment by the Committee of Creditors, as accounted for by Interim Resolution Professional, and shall be paid back to the applicant.

16.A copy of the order shall be communicated to the Applicant and the Corporate Debtor by the Registry. The said order shall be communicated to the IRP above named and intimate of the said appointment by the Registry. Applicant is also directed to provide a copy of the complete paper book with copy of this order to the IRP. In addition, a copy of said order shall also be forwarded to IBBI for its records and to ROC for updating the Master Data. ROC shall send compliance report to the Registrar, NCLT.


SD/-

**SUMITA PURKAYASTHA**  
**MEMBER (T)**

SD/-

**DR. DEEPTI MUKESH**  
**MEMBER (J)**

Pronounced today under Rule 151 of NCLT Rules, 2016 as Hon'ble Member (Technical) Smt. Sumita Purkayastha is not holding the Court today

  
(T.S. SINGH)  
Court Master