

**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
COURT 1**

C.P. (I.B) No. 295/7/NCLT/AHM/2019

**Coram: MADAN B. GOSAVI, MEMBER (JUDICIAL)  
VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE  
AHMEDABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 02.12.2020**

**Name of the Company:**

Sansar Texturisers Pvt Ltd

V/s

Polycoat India Pvt Ltd & Ors

**Section:**

Section 7 of the Insolvency and Bankruptcy Code

**ORDER**

The case is fixed for pronouncement of order.

The order is pronounced in open court vide separate sheet.

  
**(VIRENDRA KUMAR GUPTA)  
MEMBER (TECHNICAL)**

  
**(MADAN B. GOSAVI)  
MEMBER (JUDICIAL)**

Dated this the 2<sup>nd</sup> day of December, 2020.

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**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
COURT-1**

**CP (IB) No.295/7/NCLT/AHM/2019**

*[An application filed under Section 7 of the Insolvency and Bankruptcy Code,  
2016]*

**In the matter of:**

M/s. Sansar Texturisers Pvt. Ltd,  
CIN: U17119GJ1994PTC023774  
901-902, A-Block, ICC Building,  
Ring Road, Surat – 395002.

... Petitioner/Financial Creditor

V/s.

M/s. Polycoat India Pvt. Ltd.  
CIN: U17119GJ1983PTC005840  
103, 1st Floor, Trividh Chambers,  
Opp. Mandarwaja Fire Station,  
Near Rushabh Petrol Pump,  
Ring Road, Surat – 395002.



... Respondent/Corporate Debtor

**Date of Hearing: 25<sup>th</sup> November, 2020  
Order of Pronouncement 2<sup>nd</sup> December, 2020**

**Coram: Madan B. Gosavi, Member (Judicial)  
Virendra Kumar Gupta, Member (Technical)**

**Appearance:**

Learned Counsel Ms. Natasha Shah for the Petitioner/Financial  
Creditor. None for the Respondent/ Corporate Debtor.



**[Per: Madan B. Gosavi, Member (Judicial)]**  
**(Through Video Conferencing)**

1. This application under Section 7 of the Insolvency and Bankruptcy Code, 2016 filed by M/s. Sansar Texturisers Pvt. Ltd, the Financial Creditor against M/s. Polycoat India Pvt. Ltd, the Corporate Debtor to initiate Corporate Insolvency Resolution Process ("CIRP") of the Corporate Debtor on the ground that the Corporate Debtor committed default in paying the financial debt of Rs.18,01,219/- out of total sum of Rs.91,50,000/-. The date of default is 22.12.2017.
2. The Financial Creditor stated that on 15.12.2017, it has lent the Corporate Debtor, sum of Rs.91,50,000/- as Corporate Loan under the loan agreement of even date.
3. As per the terms of the loan agreement, the Corporate Debtor was supposed to repay the loan along with the interest within a period of nine (09) months (Annexure 'F') periodically.
4. The Financial Creditor stated that the Corporate Debtor failed to repay the loan as agreed and thereby committed the default in paying the debt.
5. Hence, this proceeding is filed under Section 7 of the I.B. Code to start the CIRP of the Corporate Debtor.



6. Notice of this application was duly served to the Corporate Debtor but no one appeared on its behalf and hence, hearing of this application preceded 'ex-parte' against the Corporate Debtor.
7. The Financial Creditor produced on record the loan agreement (Annexure 'F'). The Bank Statement to show that the amount was disbursed to the Corporate Debtor. The Financial Creditor stated that the Corporate Debtor committed default in paying sum of Rs.18,01,219/-. The Statement of the Financial Creditor is uncontroverted on record. Hence, we accept the same.
8. In this application under Section 7 of the I.B. Code, the Financial Creditor has to establish only two facts;
  - (i) There is a debt due and payable by the Corporate Debtor more than Rs.1,00,000/- (Section 4 of the I.B. Code prior to its amendment) and;
  - (ii) The Corporate Debtor committed default in paying the same.In this case, the Financial Creditor has established both the facts.
9. The Financial Creditor suggested name of one Mr. Gordhan Godhani, having registration number: IBBI/IPA-001/IP-P01201/2018-2019/11921 for the appointment as the Interim Resolution

Professional. He has given his consent in writing without quoting his fees and further stating that no disciplinary proceedings pending against him.

10. The application is defect free and hence, we direct the Corporate Debtor to be admitted in CIRP by following order:

**ORDER**

1. The Corporate Debtor, M/s. Polycoat India Pvt. Ltd. is admitted in Corporate Insolvency Resolution Process under Section 7 of the Insolvency and Bankruptcy Code, 2016.
  
2. The moratorium under Section 14 of Insolvency and Bankruptcy Code, 2016 is declared for prohibiting all of the following in terms of Section 14(1) of the Code.
  - a. 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;
  - b. transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
  - c. 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 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

- d. the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.
3. The order of moratorium shall have effect from the date of this order till the completion of the Corporate Insolvency Resolution Process or until this Adjudicating Authority approves the Resolution Plan under sub-section (1) of the Section 31 or passes an order for liquidation of Corporate Debtor Company under Section 33 of the Insolvency & Bankruptcy Code, 2016, as the case may be.
4. We hereby appoint **Mr. Gordhan Godhani**, having **Registration No. IBBI/IPA-001/IP-P01201/2018-2019/11921, Resi: 209, Rajhans Point [Geetanjali] Varachha Road, Surat - 395006, email: grgodhani@gmail.com, to act as an Interim Resolution Professional** under Section 13(1)(c) of the Code. He shall conduct the Corporation Insolvency Resolution Process as per the provision of Insolvency and Bankruptcy Code, 2016 r.w. Regulation made thereunder.
5. The IRP shall perform all his functions as contemplated, inter-alia, by Sections 17, 18, 20 &

21 of the Code. It is further made clear that all personnel connected with Corporate Debtor, its Promoter or any other person associated with management of the Corporate Debtor are under legal obligation under Section 19 of the Code extending every assistance and co-operation to the Interim Resolution Professional. Where any personnel of the Corporate Debtor, its Promoter or any other person required to assist or co-operate with IRP, do not assist or Co-operate, IRP is at liberty to make appropriate application to this Adjudicating Authority with a prayer for passing an appropriate order.

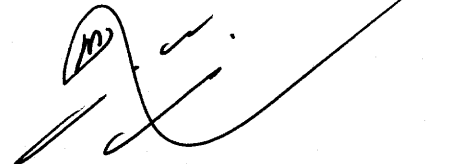
6. This Adjudicating Authority directs the IRP to make a public announcement of initiation of Corporate Insolvency Resolution Process (CIRP) and call for submission of claims under Section 15 as required by Section 13(1)(b) of the Code.
7. It is further directed that the supply of goods/service to the Corporate Debtor Company, if continuing, shall not be terminated or suspended or interrupted during the moratorium period.
8. The IRP shall be under duty to protect and preserve the value of the property of the 'Corporate Debtor Company' and manage the operations of the Corporate Debtor Company as a going concern as a part of obligation imposed by Section 20 of the

Insolvency & Bankruptcy Code, 2016. The Financial Creditor is directed to pay an advance of **Rs.50,000/- (Rupees Fifty Thousand Only)** to the IRP within two weeks from the date of receipt of this order for the purpose of smooth conduct of Corporate Insolvency Resolution Process (CIRP) and IRP to file proof of receipt of such amount to this Adjudicating Authority along with First Progress Report. Subsequently, IRP may raise further demands for Interim funds, which shall be provided as per Rules.

9. The Registry is directed to communicate a copy of this order to the Financial Creditor, Corporate Debtor and to the Interim Resolution Professional and the concerned Registrar of Companies, after completion of necessary formalities, within seven working days and upload the same on website immediately after pronouncement of the order.
10. Accordingly, CP (IB) No. 295/7/NCLT/AHM/2019 stands admitted.



**(Virendra Kumar Gupta)**  
**Member (Technical)**



**(Madan B. Gosavi)**  
**Member (Judicial)**

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