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IN THE NATIONAL COMPANY LAW TRIBUNAL,  
DIVISION BENCH - I, CHENNAI

IA(IBC)/1272(CHE)/2022

IN

CP/600/IB/2018

*(filed under Section 54(1) of the Insolvency & Bankruptcy Code, 2016)*

*In the matter of M/s. Galaxy Cosmetics Private Limited*

**M.S. Viswanathan**

Liquidator of M/s. Galaxy Cosmetics Private Limited

*... Applicant/Liquidator*

*Order Pronounced on 13<sup>th</sup> June, 2023*

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**Justice RAMALINGAM SUDHAKAR, PRESIDENT**  
**SAMEER KAKAR, MEMBER (TECHNICAL)**

*For Applicant* : M.S. Viswanathan, Liquidator

**ORDER**

**(Hearing conducted through VC)**

**Per: SAMEER KAKAR, MEMBER (TECHNICAL)**

This Application has been filed by the Liquidator of Galaxy Cosmetics Private Limited under Section 54(1) of the Insolvency and Bankruptcy Code, 2016 read with Regulation 45(3)(b) of the Insolvency

and Bankruptcy Board of India (Liquidation Process) Regulations, 2016

seeking relief as follows:

- (i) *To grant dissolution of the Corporate Debtor as per Section 54(1) r/w 45(3)(b) of the IBBI (Liquidation Process) Regulations, 2016 of the Insolvency and Bankruptcy Code, 2016.*
- (ii) *To condone the delay of 12 days period in filing the present application.*
- (iii) *To pass such other orders as it deems fit in the above circumstances of the case and thus render justice.*

2. The Corporate Insolvency Resolution Process in respect of the Corporate Debtor viz. Galaxy Cosmetics Private Limited was initiated by this Tribunal vide order dated 30.08.2018 in an Application filed by the Operational Creditor viz. Nikita Containers Private Limited under Section 9 of the Insolvency and Bankruptcy Code, 2016 and the Applicant herein was appointed as '*Insolvency Resolution Professional*'.

3. Thereafter this Tribunal vide its order dated 15.04.2019 has ordered for liquidation of the Corporate Debtor. It was submitted that as per Regulation 12 of the IBBI (Liquidation Process) Regulations, 2016 the Applicant has caused a public announcement in two newspapers

viz. "The News Today" (English) and "Maalai Sudar" (Tamil) on 19.04.2019.

4. It was submitted that since there were no immovable assets lying with the Corporate Debtor, no valuation was conducted during the CIRP and Liquidation Process. Further, it was submitted that as per Regulation 31(2) of the IBBI (Liquidation Process) Regulations, 2016 the Liquidator has filed the list of stakeholders before this Tribunal. It was also submitted that as per the Regulation 31(A) of the IBBI (Liquidation Process) Regulations, 2016 the Stakeholders Consultation Committee (SCC) was constituted by the Liquidator within 60 days from the Liquidation commencement date.

5. The Learned Liquidator submitted that as per the Regulation 13 of the IBBI (Liquidation Process) Regulations, 2016 the Liquidator has filed the Preliminary Report before this Tribunal on 01.07.2019 and also it was submitted that as per the Regulation 34 of the IBBI (Liquidation Process) Regulations, 2016 the Asset Memorandum was also filed before this Tribunal along with the Preliminary Report.

6. The Learned Liquidator submitted that as per the Regulation 41 of the IBBI (Liquidation Process) Regulations, 2016, the Liquidator opened the bank account in the name of the Company with IDBI Bank Parrys Corner, branch and the proof of closure of the above said bank account is also attached at page No.106 of the typeset filed along with the Application.

7. It was submitted that as per the Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 the Learned Liquidator has filed the Quarterly Progress report before this Tribunal and the same is also attached along with this Application at Page No.155.

8. The Learned Liquidator submitted that he has filed an IA(IBC)/651(CHE)/2022 before this Tribunal seeking sale of scrap materials through private sale and accordingly an order was passed by this Tribunal on 14.07.2022. It was submitted that the Liquidator has sold the said scrap materials for a sum of Rs.1,35,000/-. It was submitted that the Liquidator has also recovered a sum of Rs.32,460/- from the erstwhile director for withdrawing from the bank account

before the IRP took control of the bank account. Further, it was submitted that the Liquidator conducted a stakeholder's consultation committee meeting on 28.09.2022 and briefed the fact and got approval for the liquidator fees of Rs. 1 Lakh and expenses as per Liquidation cost. Thus, it was submitted that the entire amount realized under this Liquidation is Rs.2,72,447.81/- out of which Rs. 70,230/- has been distributed to the sole stakeholder of the Corporate Debtor and Rs.2,02,217.81 has been paid by the Liquidator towards Liquidation Costs and liquidator fees in terms of Section 53 of the IBC, 2016 and IBBI (Liquidation Process) Regulations, 2016. The details of the amount distributed is tabulated as under :

#### DISTRIBUTION

S. NO	STAKEHOLDERS UNDER SEC.52 AND 53(1)	AMOUNT CLAIMED (₹)	AMOUNT ADMITTED (₹)	AMOUNT DISTRIBUTED (₹)	AMOUNT DISTRIBUTED TO AMOUNT CLAIMED (%)	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Realization of Security Interest	NIL	NIL	NIL	NIL	No FC
2	Liquidation Cost [Sec.53(1)(a)]	2,04,662	2,04,662	2,04,662	100	Rounded Off
3	Workmen's Dues [Sec.53(1)(b)(ii)]	NIL	NIL	NIL	NIL	No employees
4	Debts of secured Creditors	NIL	NIL	NIL	NIL	No FC
5	Wages and Unpaid Dues to Employees [Sec.53(1)(c)]	NIL	NIL	NIL	NIL	No Employees
6	Debts of Unsecured Financial Creditors	NIL	NIL	NIL	NIL	No FC

	[Sec.53(1)(d)]					
7	Government Dues + Amount unpaid following Enforcement of Security Interest [Sec53(1)(e)]	NIL	NIL	NIL	NIL	NIL
8	Any Remaining Debts and Dues [Sec53(1)(f)]	7,49,412	7,49,412	70,230	9.37	
9	Preference Shareholders [Sec.53(1)(g)]	NIL	NIL	NIL	NIL	NIL
10	Equity Shareholders [Sec.53(1)(h)]	NIL	NIL	NIL	NIL	NIL
	<b>TOTAL</b>	<b>9,54,074</b>	<b>9,54,074</b>	<b>2,74,892</b>		

9. It is also seen that under Regulation 45(3)(b) of the IBBI (Liquidation Process) Regulations, 2016, the Learned Liquidator has filed Form-H, Compliance Certificate and the perusal of the same which shown that no Applications under Section 43, 45, 49 and 66 of the IBC has been filed by the Liquidator.

10. Further, as required under Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016, the Audited Certificate on the receipts and payments pertaining to the liquidation of the Corporate Debtor is also attached at page-153 of the typeset filed along with the Application. The Learned Liquidator was also submitted his final report before this Tribunal and same is attached at page No. 150 of the typeset along with

the Application Under such circumstances liquidator has prayed for dissolution of the Corporate Debtor under Section 54 of the IBC 2016.

11. From the averments made in the application along with the perusal of the Final Report and the Compliance Certificate Form – H, it is seen that the Company has been liquidated and, in the circumstances, and as prayed for by the Applicant, the order of dissolution is required to be passed by this Tribunal. Accordingly, we hereby ordered for **dissolution** on the Corporate Debtor viz. **Galaxy Cosmetics Private Limited**.

12. The Learned Liquidator is directed to forward the copy of this order to the concerned ROC and also to IBBI for its record within a period of 7 days from the date of this order.

13. Accordingly, IA(IBC)/1272(CHE)/2022 stands **allowed**.



**SAMEER KAKAR**  
MEMBER (TECHNICAL)



**Justice RAMALINGAM SUDHAKAR**  
PRESIDENT