IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.194

IA 878 of 2020 in CP(IB) 17 of 2019

Proceedings under Section 33(1) & 33(2) & 34(1) IBC

IN THE MATTER OF:

Chandra Prakash Jain RP of Greendiamz Biotech Ltd **........Applicant**

Order delivered on ..28/06/2022

Coram:

Madan B. Gosavi, Hon'ble Member(J)
Kaushalendra Kumar Singh, Hon'ble Member(T)

PRESENT:

For the Applicant :

ORDER

The case is fixed for pronouncement of the order.

The order is pronounced in open Court vide separate sheet.

-SD-	**-SD-**
KAUSHALENDRA KUMAR SINGH	**MADAN B GOSAVI**
MEMBER (TECHNICAL)	**MEMBER (JUDICIAL)**

DIVYA/LRA

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT-1

IA No.878 of 2020 in
CP (IB) 17 of 2019

IA No.878 of 2020
(An application under sections 33(1), 33(2) & 34(1) of the IBC, 2016)

Chandra Prakash Jain
Resolution Professional of
M/s. Greendiamz Biotech Ltd.
Having Registered Office at:
D – 501,
Ganesh Meridian, Opp. High Court.
S.G. Highway, Ahmedabad-380060

..... Applicant

In the matter of
CP (IB) 17 of 2019
(*An application under section 7 of the IBC, 2016)*

Union Bank of India

....**Financial Creditor**
(Petitioner)

V/s

Greendiamz Biotech Ltd.

.....Corporate Debtor
(Respondent)

Order Pronounced on: 28.06.2022

Coram: Madan Bhalchandra Gosavi-Member (Judicial)
Kaushalendra Kumar Singh-Member (Technical)

Appearance:
Mr.Arjun Sheth, Advocate, for the Applicant.
Ms.Nalini Lodha, Advocate, for the CoC

ORDER

1. The instant application is filed by Mr. Chandra Prakash Jain, the Resolution Profession (RP) of M/s. Greendiamz Biotech Ltd. under Section 33(1), 33(2) and 34(1) of the Insolvency and Bankruptcy Code, 2016 **(IBC, 2016)** for liquidation of the Corporate Debtor.

2. This Adjudicating Authority, vide order dated 27.05.2020, had admitted the application filed by Financial Creditor, viz., M/s. Union Bank of India, under Section 7 of the IBC, 2016 for initiation of Corporate Insolvency Resolution Process ('CIRP') of the Corporate Debtorin CP(IB)No. 17 of 2019. After the said application was admitted by this Adjudicating Authority, Mr. Chandra Prakash Jainwas appointed as the Interim Resolution Professional (IRP) of the Corporate Debtor and later on he was re-appointed to act as the Resolution Professional (RP) in order to complete the CIRP.

3. It is stated that in terms of Section 15 of the IBC, 2016, a public announcement, in Form-A, was published by the IRP on 03.06.2020 in Business Standard Newspaper (English) and in Gujarat Samachar Newspaper (Gujarati) for inviting claims from the creditors of the Corporate Debtor. The IRP received claims from the Financial Creditor, viz., Union Bank of India. The IRP has also received three claims from Operational Creditors. The IRP admitted their claims after due verification. Accordingly, the list of creditors was updated. Thereafter,

the IRP constituted Committee of Creditors (CoC) which consists of Union Bank of India as a sole member.

4. It is stated that Form-G for inviting Expression of Interest (EoI) for submission of Resolution Plan was published on 17.08.2020 in the Newspapers, viz., Business Standard (Ahmedabad) and Gujarat Samachar, and the last date for submission of EoI was 1st September, 2020.

5. It is further stated that two prospective Resolution Applicants, viz., Mr. Prakash Jalan and Mr. Prakash Ghewarchand Jain, had submitted their Resolution Plan dated 26.08.2020 and 01.09.2020 respectively.

6. It is submitted that both the Resolution plans were placed before the CoC. However, after due consideration the CoC did not approve any of those two plans and passed a resolution for liquidation of the Corporate Debtor.

7. Heard, the Learned Counsel for the Applicant and perused the material on records. In the present case two Resolution Plans were received, but the same were not approved by the CoC. The applicant in support of the present application has annexed relevant documents which include copy of the Minutes of the various Meetings of the CoC conducted by the RP. In the 11th meeting of the CoC, Union Bank of

India, being the sole member of the CoC, passed resolution for Liquidation of the Corporate Debtor.

8. It is also noted that an Application, bearing No. IA No 828 of 2020 filed under Sections 43 and 66 of the IBC, filed by the RP is pending before this Tribunal.

9. Accordingly, we allow this present application and pass the following order:

(i) We hereby order the liquidation of the Corporate Debtor M/s Greendiamz Biotech Ltd., having CIN No. U36990GJ2009PLC056869. The liquidation of the Corporate Debtor is effective from the date of this order.

(ii) The Moratorium declared vide order dated 27.05.2020 in CP(IB)No.17/7/NCLT/AHM/2019, henceforth, ceases to exist.

(iii) As per the records it is found that the RP is not willing to be the liquidator and the applicant has not proposed any name for the liquidator. Therefore, as per the Section 34of the I.B. Code, IP CA Bhavi Shreyans Shah having Registration No. IBBI/IPA-001/IP-P00915/2017-2018/11521 is hereby appointed as a Liquidator of the company, M/s. Greendiamz Biotech Ltd. She shall complete the liquidation process as per the provisions of Insolvency and Bankruptcy Code, 2016 read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

(iv) All the powers of the Board of Directors, key managerial persons of the Corporate Debtor hereafter cease to exist. All these powers henceforth vest with the Liquidator.

(v) It is directed that the Liquidator may first explore to sell the Corporate Debtor as a going concern, in compliance with the provisions of Regulation 39(c) of IBBI CIRP Regulation, 2016.

(vi) The personnel of the Corporate Debtor are directed to extend all co-operations to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.

(vii) The Liquidator will charge fees for conduct of the liquidation proceedings as specified by IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.

(viii) That once liquidation process is initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor, while the liquidator shall have liberty to institute suit or other legal proceeding on behalf of the Corporate Debtor with the prior approval of this Adjudicating Authority, as provided in sub section (5) of Section 33 of the IB Code.

(xi) This liquidation order shall be a deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

(x) The Registry is directed to upload this order on the official website within maximum two working days from the date of this order. The authenticated copy of this order also be sent by the registry to the Financial Creditor, Corporate Debtor, Registrar of the Companies, and Liquidator by Speed-post within one week from this order.

10. Accordingly, the present I.A. No. 878 of 2020 in CP (IB) 17/7/NCLT/AHM/2019 stands disposed of.

-SD-	**-SD-**
KAUSHALENDRA KUMAR SINGH **MEMBER (TECHNICAL)**	**MADAN B GOSAVI** **MEMBER (JUDICIAL)**

Divya Sharma-LRA