

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH, COURT-III**

**I.A. No. 1450/2020  
In  
C.P. No. 4664/IB/2019**

Under Section 33 of Insolvency &  
Bankruptcy Code, 2016

In the matter of

Mr. Sanjay Ramkrishan Mantri  
... Operational Creditor

V/s.  
Rajit Rolling Mills Pvt. Ltd.  
... Corporate Debtor

**I.A. No.1450/2020**

Mr. Arun Rajabhau Joshi  
... Applicant/  
Resolution Professional

**Order delivered on 20.11.2020**

**Coram:**

Hon'ble Shri H. V. Subba Rao, Member (Judicial)  
Hon'ble Shri Shyam Babu Gautam, Member (Technical)

**Appearance (through video conferencing):**

**For the Applicant:** Ms. Jyoti Muley, Advocate

*Per Shri H. V. Subba Rao, Member (Judicial)*

**ORDER**

1. It is an application filed by the Resolution professional seeking liquidation of the Corporate Debtor namely (M/s. Rajit Rolling Mills Pvt.Ltd.) on the ground that no resolution plan has been received by him, hence this application under Section 33 (1) of the Insolvency and Bankruptcy Code, 2016, praying following reliefs:

- a. *"To allow the Interlocutory Application;*
- b. *To grant early consent by NCLT for commencement of the liquidation of M/s. Rajit Rolling Mills Pvt. Ltd. as per chapter III of the code;*

- c. *To pass the order to effect the appointment of RP Arun Joshi as Liquidator to complete the liquidation process of the Corporate Debtor;*
- d. *To grant necessary reliefs as deemed fit by this Hon'ble Bench."*
2. The Adjudicating Authority vide its order dated 25.02.2020 on a Petition filed by the Financial Creditor under Section 7 of the Code directed initiation of the Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor namely M/s. Rajit Rolling Mills Pvt. Ltd., wherein Mr. Arun Rajabhau Joshi, was appointed as Interim Resolution Professional (IRP). Thereafter in the 1<sup>st</sup> Committee of Creditors (CoC) meeting held on 03.04.2020, Mr. Arun Rajabhau Joshi, was resolved to be appointed as Resolution Professional (RP).
3. The RP submits that the public announcement was made on 06.03.2020, in English and in regional language in Marathi.
4. It is further submitted that an advertisement, inviting Expression of Interest (EoI) in Form G was not published. Thereafter, no extension has been sought and no EoI was invited and no Resolution plan was received.
5. The CoC in the 1<sup>st</sup>CoC meeting held on 03.04.2020, it was informed in the meeting that there are no chance of revival of the Corporate debtor Company. Further it is stated that the company does not have any assets other than FDR receipts & shares in the Cosmos Bank. The following Resolution was passed;
- "Resolved that, liquidation of the Corporate Debtor namely Rajit Rolling Mills Pvt. Ltd. be and is hereby approved with immediate effect and necessary interlocutory application under section 33(2) read with section 60(2) of IBC, 2016 be filed with NCLT, Mumbai for approval of liquidation."*
6. Hence, the CoC in its 1<sup>st</sup>meeting held on 03.04.2020, unanimously passed a resolution for liquidating the company. Accordingly, the Resolution Professional filed this application for liquidation of the Company as provided u/s. 33 of the Insolvency & Bankruptcy Code, 2016 (Code).

7. The Applicant/ Resolution Professional Mr. Arun Rajabhau Joshi, has agreed to act as liquidator to carry on the process of liquidation.
8. Upon hearing the submissions of the Applicant and on reading the Application and the documents enclosed therein it is found, the RP has complied with the procedure laid down under the Code; Regulations made thereunder. On verification, we are of the considered view that this is a fit case to pass liquidation order under sub-section 1 of section 33 of the Code for liquidation in the absence of any resolution plan. Hence ordered;

**ORDER**

- a. The Miscellaneous Application is hereby allowed.
- b. Mr. Arun Rajabhau Joshi, Registration No. IBBI/IPA-002/IP-N00350/2017-2018/11000, herein is hereby appointed as Liquidator as provided under Section 34(1) of the Code.
- c. That the Liquidator for conduct of the liquidation proceedings would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016.
- d. The Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.
- e. The Liquidator appointed under section 34(1) of the Code. Will have all powers of the board of directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the liquidator.
- f. That the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the

Liquidator to send this order to the ROC under which this Company has been registered.

- g. All the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter ceased to exist. All these powers henceforth vest with the Liquidator.
- h. That the personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
- i. That on having liquidation process initiated, subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suit or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority.
- j. This liquidation order shall be deemed to be a 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.

Sd/-  
**SHYAM BABU GAUTAM**  
**MEMBER (TECHNICAL)**

Sd/-  
**H. V. SUBBA RAO**  
**MEMBER (JUDICIAL)**