

IN THE NATIONAL COMPANY LAW TRIBUNAL**NEW DELHI (COURT NO. IV)****Company Petition No. IB-2560/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:**REDEHEX IT SOLUTIONS PRIVATE LIMITED****...Applicant/Operational Creditor****VERSUS****MACOR PACKAGING LIMITED****...Respondent/ Corporate Debtor****Judgment Pronounced on:31.07.2020****CORAM:****DR. DEEPTI MUKESH****HON'BLE MEMBER (Judicial)****SH. HEMANT KUMAR SARANGI****HON'BLE MEMBER (Technical)**

MEMO OF PARTIES

REDEHEX IT SOLUTIONS PRIVATE LIMITED

Registered office at Flat No 211, Second Floor

Meghdoot, 94, Nehru Place

New Delhi-110019

...Applicant/Operational Creditor

VERSUS

MACOR PACKAGING LIMITED

Registered office at 3198/15, 4 Floor, Gali No. 1

Sangatrashan Pahar Ganj

New Delhi-110055

...Respondent/ Corporate Debtor

For the Applicant: Mr. Mohtashim Kibriya, Adv. Mr. Afaque Rayeen,
Adv. Ms. Sonam Malik, Adv.

For the Respondent: ---

Ib-2560/Nd/2019

Redehex IT Solutions Pvt Ltd Vs Macor Packaging Ltd

ORDER**Dr. Deepti Mukesh, Member (J)**

1. The present application is filed under section 9 of Insolvency and Bankruptcy Code, 2016 (for brevity 'IBC, 2016') read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (for brevity 'the Rules') by Redhex IT Solutions Private Limited (for brevity 'Applicant') through its Director Mr. Ashwani Kumar authorized vide board resolution dated 24th July 2019 with a prayer to initiate the Corporate Insolvency process against Macor Packaging Limited (for brevity 'Corporate Debtor').
2. The Applicant is a private limited having its CN U72300DL2015PTC275137 and having its registered office at Flat No 211, Second Floor Meghdoot, 94, Nehru Place New Delhi-110019. The applicant is engaged in the business of providing database service.
3. The Corporate Debtor is a limited company, company limited by shares, incorporated under the provisions of Companies Act, 1956 on 12.08.1996 bearing CIN L74950DL1996PLC018459 as per master data. The corporate debtor is engaged to carry on the business of manufacture, processors, designers, buyer, sellers, exporters, Importers

and/or otherwise, dealers in all kinds of cardboard packing, corrugated packing, pillow packing, plastic packing, polythene packing, gunny bags, containers, bottles, hollow wares, weather made of plastic or any man-made fibre, leather or of other material including high and low density polythene, poly propylene, plastic, P.V.0 chemical and other man-made fibrous material, used in manufacture of card board packing, corrugated packing, plastic packing, polythene packing, gunny bags, containers, bottles, hollow wares.

4. The Applicant has submitted that the database services were rendered to the corporate debtor and in pursuant to that invoice dated 26.05.2019 was raised on the corporate debtor totaling to Rs 7,96,500/-.
5. The Applicant has issued demand notice dated 25.07.2019 under section 8 of the Insolvency and Bankruptcy Code, 2016 as per Form 5 as prescribed under in the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 to the Corporate Debtor. The said notice was sent by Speed Post which was duly delivered to the corporate debtor. Copy of speed post receipt with track report is annexed. The Corporate Debtor has neither raised any dispute through its reply to the aforesaid notice till date nor made any payment towards the outstanding dues.

6. As claimed by the applicant, the corporate debtor is liable to pay a principal amount of Rs. 7,96,500/- (Rupees Seven Lakh Ninety-Six Thousand Five Hundred Only).
7. The Applicant filed present Application under section 9 of IBC, 2016 and served the copy of this application which is duly received by the Corporate Debtor as per the affidavit of service filed by the applicant.
8. The Applicant further states that in spite of several opportunities given none appeared on behalf of the corporate debtor nor any reply is filed and the matter was listed to be heard *ex parte* on 27.11.2019.
9. The Applicant has filed its bank statement that the amount claimed or any part thereof, the Applicant has not received nor had any person, on its behalf had received in any manner the amount due to them as required u/s. 9(3)(c) of I &B Code nor has received any notice of dispute raised by the corporate debtor under section 9(3)(b) of the IBC, 2016.
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 default occurred from 25.05.2019 and the application is filed on 10.10.2019, hence the debt is not time barred and the application is filed within the period of limitation.
12. In the given facts and circumstances, the present application is complete and the Applicant is entitled to claim its dues, which remain uncontroverted by the Corporate Debtor, establishing the default in payment of the operational debt beyond doubt. In the light of above facts and records, the present application is admitted, in terms of section 9 (5) of IBC, 2016.
13. The Applicant has named the Insolvency Resolution Professional, to be appointed by the order of Tribunal, as Mr. Mohd Nazim Khan, with registration number IBBI/IPA-002/IP-N00076/2017-18/10207 (email – nazim@mnkassociates.com) as the Interim Resolution Professional subject to the condition that no disciplinary proceedings are pending against such an IRP named who may act as an IRP in relation to the CIRP of the Respondent and specific consent is filed in Form 2 of 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)

Regulations, 2016 within a period of one week from the date of this order.

14. We direct the operational Creditor to deposit a sum of Rs. 2 lacs with the Interim Resolution Professional namely Mr. Mohd Nazim Khan to meet out the expense to 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 three days for the date of receipt of this order by the operational Creditor. 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 operational Creditor.
15. As a consequence of 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 Respondent prohibiting 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 vogue.
16. A copy of the order shall be communicated to the Applicant, Corporate Debtor as well as to the IRP above named by the Registry. In addition,

a copy of the order shall also be forwarded to IBBI for its records. A copy of this order be also sent to the ROC for updating the Master Data. ROC shall send compliance report to the Registrar, NCLT.

Sd/-

HEMANT KUMAR SARANGI
MEMBER (T)

Sd/-

DR. DEEPTI MUKESH
MEMBER (J)