

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH**  
**COURT-IV**

8. IA 855/2021  
IN  
C.P. (IB)/4760(MB)2018

CORAM:

SHRI PRABHAT KUMAR  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **21.06.2023**

Name of the Party: TJSB Sahakari Bank Ltd.  
Vs.  
Aireff De Tox Pvt. Ltd.

Section 7, 33(1)(b)(i) to (iii) r/w 33(3) of Insolvency and Bankruptcy Code, 2016

**ORDER**

1. Mr. Prakhar Tandon i/b Mr. Agam H. Maloo, Ld. Counsel for the Applicant present.
2. This is an Application filed by the Resolution Professional, Mr. Vivek Murlidhar Dabhade (hereinafter referred to as the "Applicant") seeking Liquidation of M/s Aireff De Tox Private Limited (hereinafter referred to as the "Corporate Debtor") under Section 33 (1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter called as "the Code").

**The brief facts of the Application are as follows:**

- a. That this Tribunal vide an Order dated 10<sup>th</sup> October, 2019 in C.P.(IB)4760(MB)/2018 admitted the Petition under section 7 of the Code, filed by TJSB Sahakari Bank Limited (hereinafter referred to as the "Financial Creditor") and Corporate Insolvency Resolution Process (CIRP) was initiated against Aireff De Tox Private Limited, (hereinafter called as the "Corporate Debtor"). The Applicant herein was appointed as the Interim Resolution Professional (IRP) of the Corporate Debtor by this Tribunal.

- b. The Applicant submitted that the Form-G was published on 16.10.2019 for inviting the claims from the Creditors.
- c. The 2<sup>nd</sup> meeting of CoC was held on 25.11.2019 for replacement of the IRP. The CoC took note of the same and passed the Resolution for the appointment of Mr. Vivek Murlidhar Dabhade as the Resolution Professional of the Corporate Debtor. Thereafter, the Applicant was appointed as the Resolution Professional of the Corporate Debtor vide order dated 17.02.2020 by this Bench.
- d. The Applicant submits that the 4<sup>th</sup> meeting of CoC held on 09.09.2020 and informed the CoC Member that there are no assets in the balance sheet provided by the Auditor Mr. Jignesh Savla. Hence, the CoC Member proposed the Applicant to place the resolution for the Liquidation of the Corporate Debtor in the next CoC meeting.
- e. The Applicant stated that in the 5<sup>th</sup> meeting of CoC held on 10.12.2020 and proposed the CoC Member to pass the resolution for initiation of Liquidation of the Corporate Debtor.
- f. The Applicant submits that, the RP invited quotations from various Registered Valuers and appointed two Registered Valuers for Securities or Financial Assets class on 11.12.2020 to determine the Fair Value and the Liquidation Value of the Corporate Debtor. On 12.01.2021, both the Registered Valuers submitted their Valuation Reports to the Applicant. The summary of the Valuation Reports provided by the Registered Valuers is as under :-

Sr. No.	Name of the Registered Valuer	Class of Valuation	Fair Value	Liquidation Value
1	CA. Veena DS	Securities and Financial Assets	0.00/-	0.00/-
2	CA. Raghavendra L	Securities and Financial Assets	0.00/-	0.00/-
<b>Total</b>			<b>0.00/-</b>	<b>0.00/-</b>

- g. The Applicant submits that in the Sixth meeting of CoC held on 06.06.2021 noted of the fact that there is no progress in the CIRP and there are no physical assets of the Corporate Debtor. Thereafter, the RP requested the CoC Members to pass the necessary resolution for the Liquidation of the Corporate Debtor. The Resolution passed by the CoC is as under:-

*“**RESOLVED THAT** pursuant to the provisions of Section 33(2), the Committee of Creditors hereby confirms to liquidate the Corporate Debtor- Aireff Detox Private Limited.*

***FURTHER RESOLVED THAT** the Resolution Professional be and is hereby authorise to file the various required documents in connection with the liquidation proceedings with the NCLT other appellate authorities.”*

- h. After hearing the submissions made by the Counsel appearing for the Applicant and upon perusing the material available on record, this Bench is of the considered view that the Corporate Debtor is required to be liquidated in the manner as laid down in the IBC 2016.
- i. The Applicant has filed Additional Affidavit on 07.06.2023 stating that, he does not wish to act as the Liquidator of the Corporate Debtor and the Applicant has withdrawn his consent to act as the Liquidator. This fact was also informed to the CoC Member.
- j. Consequent to it, the CoC Member filed an additional affidavit dated 07.06.2023 proposing the name of Mr. Umesh Balaram Sonkar for appointment as the Liquidator of the Corporate Debtor, enclosing thereto the AFA certificate and consent received from the proposed Insolvency Professional to act as the Liquidator.

**ORDER**

3. The above I.A. No. 855/2021 is allowed and the Corporate Debtor i.e. Aireff De Tox Private Limited is ordered to be liquidated in the

manner specified under the Insolvency and Bankruptcy Board of India (Liquidation Process Regulations) Regulations, 2016.

- a. **Mr. Umesh Balaram Sonkar**, having Registration No. No IBBI/IPA-001/IP-P-02619/2021-2022/14043 is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.
- b. 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.
- c. 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.
- d. The Liquidator appointed under section 34(1) of the Code. 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.
- e. 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.
- f. 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.
- g. 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.
- h. This liquidation order u/s 33(7) 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.

- i. The liquidator shall be at liberty to pursue pending the Interlocutory Application pertaining to avoidance transactions, if any. The Liquidator shall also examine the account books of the Corporate Debtor to ascertain existence of avoidance transactions, if not done earlier.
4. With the above directions, the I.A. No. 855/2021 filed u/s 33(1) by the applicant is hereby **allowed** and **disposed of**.

Sd/-

**PRABHAT KUMAR**  
**Member (Technical)**

/Dubey/

Sd/-

**KISHORE VEMULAPALLI**  
**Member (Judicial)**