

BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT 1

CP(IB)No. 781/9/NCLT/AHM/2019

Coram: HON'BLE Ms. MANORAMA KUMARI, MEMBER (JUDICIAL)
HON'BLE Mr. VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE
AHMEDABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 24.02.2021

Name of the Company:

Sampati Seaurities Ltd
V/s
Torque Automotive Pvt Ltd

Section:

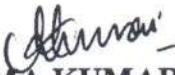
7 of the Insolvency & Bankruptcy Code, 2016

ORDER

The case is fixed for pronouncement of order.

The Order is pronounced in the open court, vide separate sheet.


(VIRENDRA KUMAR GUPTA)
MEMBER (TECHNICAL)


(MANORAMA KUMARI)
MEMBER (JUDICIAL)

Dated this the 24th day of February, 2021.



**BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT 1**

CP (IB) No.781/7/NCLT/AHM/2019

An application filed under Section 7 of the Insolvency and Bankruptcy Code, 2016

In the matter of :

Sampati Securities Limited
(Mr. Viral Mukundbhai Shah)
Having office at
303, Tilak Raj Complex,
Opp: Suryarath Complex,
Panchvati,
Ahmedabad-380015

..Financial Creditor

Versus

M/s Torque Automotive Private Ltd.
CIN:U40105GJ2007PTC050624
Registered Office at :
2nd Floor, Mrudul Tower,
B/h. Times of India, Ashram Road,
Ahmedabad-380009

.. Corporate Debtor

Date of Hearing: 22nd day of February, 2021

Date of Pronouncement of Order 24th day of February, 2021



**Coram: Hon'ble Ms. MANORAMA KUMARI, MEMBER(J)
Hon'ble Mr. VIRENDRA KUMAR GUPTA, MEMBER (T)**

Appearance:

Learned PCS Ashish C Doshi appeared for the Financial Creditor.

Learned PCA Mr. Sachin Joshi appeared for Corporate Debtor.

(Signature)

ORDER

[Per: VIRENDRA KUMAR GUPTA, MEMBER (T)]

1. The facts, in brief, are that the application filed under Section 7 by Financial Creditor to initiate CIRP against the Corporate Debtor M/s. Torque Automotive Private Ltd. The amount of debt in default has been claimed at Rs.19,54,22,723/- disbursed by the Financial Creditor to the Corporate Debtor in pursuance of agreement / MoU dated 01.04.2017.

2. Learned PCS Mr. Ashish Doshi for the Financial Creditor contended that the fact of disbursement of amount was not in dispute. Some part-payment has been made by the Corporate Debtor long back. The amount of outstanding debt fell due and payable on 01.04.2019, hence, not barred by limitation as application under Section 7 filed on 06.11.2019. It was further contended that name of IRP Mr. Parag Sheth proposed whose consent is on record. Further, no disciplinary proceedings are pending against such IRP, hence, this Authority may appoint Mr. Parag Sheth to act as IRP to conduct CIRP.

3. Learned PCA Mr. Sachin Joshi for the Corporate Debtor submitted that the business of the Corporate Debtor had been closed and it could make the payment to the Financial Creditor in 36 to 48



months. The Financial Creditor on the other hand has already shown that it wished to proceed with the application, hence, considering the fact that there is a debt which is due and payable and default has occurred in payment thereof, this application is prima-facie admissible as per the provisions of the IBC, 2016. The application is otherwise complete and defect free. The name of IRP has also been proposed whose consent is on record and it has been claimed that no disciplinary proceedings are pending against such person, hence, we appoint him as IRP to conduct the CIRP.

4. Thus, this application stands allowed and disposed-off. We further order as under:

ORDER

1. Corporate Debtor M/s Torque Automotive Private Limited is admitted in Corporate Insolvency Resolution Process under Section 7 of Insolvency and Bankruptcy Code, 2016.
2. We appoint Mr. Parag Sheth, registration no. IBBI/IPA-00/IP-N00142/2017-2018/10381, Email pksheth@hotmail.com having address 404, Sachet 2, Opp. GLS University, Maradia Plaza,



C.G. Road, Ahmedabad-380006 under section 13(1) (c) of the IB Code as IRP.

3. That the Moratorium under Section 14 of the Code shall come to effect from 03.02.2021 till the completion of Corporate Insolvency Resolution Process or until this Bench approves the Resolution Plan under Sub- Section (1) of Section 31 or passes an order for liquidation of Corporate Debtor under Section 33, as the case may be.

4. That the Adjudicating Authority hereby prohibits the institution of suits or continuation of pending suit or proceedings against the Corporate Debtor including execution of any judgment, decree or order in any Court of law and further prohibits a Tribunals, Arbitration Panels or other Authority(s), transferring, encumbering, alienating or disposing (of by the Corporate Debtor) any of Corporate Debtor assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including any action under the SARFAESI Act, 2002 the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Debtor.



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5. Further, litigation or any application, if any, is pending before any competent Court of law under the provisions of the SARFAESI Act and RDB Act, prior to pronouncement of this order such proceedings are expected to be dealt with in accordance with law i.e Section 14 and Section 238 of the Insolvency & Bankruptcy Code, 2016.
6. That the supply of essential goods or services to Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during the Moratorium, period. The Corporate Debtor to provide effective assistance to the IRP as and when he takes charge of assets and management of the Corporate Debtor.
7. The IRP so appointed shall make Public announcement of Corporate Insolvency Resolution Process (CIRP) be made immediately as specified under Section 13 of the Code and by calling for submissions of claim under Section 15 of the Code.
8. The IRP shall perform all his functions as contemplated, *inter-alia*, by Sections 17,18,20 & 21 of the Code. It is further made clear that all personnel connected with Corporate Debtor, its Promoter or any other person associated with management of the Corporate Debtor are under



legal obligation as per Section 19 of the Code to extend every assistance and co-operation to the Interim Resolution Professional. Where any personnel of the Corporate Debtor, its Promoter or any other person required to assist or co-operate with IRP, do not assist or Co-operate, the IRP is at liberty to make appropriate application to this Adjudicating Authority with a prayer for passing an appropriate order.

9. The IRP shall be under duty to protect and preserve the value of the property of the 'Corporate Debtor Company' and manage the operations of the Corporate Debtor Company as a going concern as a part of obligation imposed by Section 20 of the Insolvency & Bankruptcy Code, 2016.
10. We direct the Financial Creditor / Applicant to pay the IRP a sum of Rs. 1,00,000/- (Rs. One lakh) as fees & expenses till the COC decides about his fees / expenses.
11. The Registry is directed to communicate this order to the Petitioner-Financial Creditor, Corporate Debtor and to the Interim Resolution Professional and the concerned Registrar of Companies, after completion of necessary formalities, within three



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working days and upload the same on website immediately after pronouncement of the order.

12. The commencement of Corporate Insolvency Resolution Process (CIRP) shall be effective from the date of this order.
13. CP(IB) No. 781/7/NCLT/2019 is allowed and stands disposed of.

Virendra Kumar Gupta

**(Virendra Kumar Gupta)
Member (Technical)**

Manorama Kumari

**(Manorama Kumari)
Member (Judicial)**



Prakash

Certified to be True Copy of the Original

[Signature]
Deputy Registrar
NCLT, Ahmedabad Bench
Ahmedabad
05/10/21