

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH
(Video Conference)**

**PRESENT: JUSTICE TELAPROLU RAJANI – MEMBER JUDICIAL
ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 18.01.2023 AT 10.30 AM**

TC/CP. Nos.	CA/IA No.	Section/ Rule	Name of Parties
CP(IB)No.44/9/AMR/2022	Main Case	9 of IBC	RNJ Commodities Private Limited Vs. Supra Petro Chemicals Private Limited
	IA(IBC)/22/2023	S.33(2) of IBC	Netho Mallikarjuna Setty (RP of Supra Petro Chemicals Private Limited)

ORDER

IA(IBC)/22/2023:

Mr.M.Maharshi Viswaraj, Counsel for the Applicant present.

IA(IBC)/22/2023 is allowed, vide separate orders.

**Sd/-
JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL**

RSN

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH AT MANGALAGIRI**

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**IA(IBC)/22/2023
IN
CP (IB) No. 44/9/AMR/2022**

**Under Section 33(2) of Insolvency and Bankruptcy Code, 2016 Read
with Insolvency Bankruptcy Board of India (Liquidation Process)
Regulations, 2016**

**In the matter of
M/s. SUPRA PETRO CHEMICALS PRIVATE LIMITED**

Between:

Mr. Nethi Mallikarjuna Setty,
Resolution Professional of
M/s. Supra Petro Chemicals Private Limited,
(Reg.No. IBBI/IPA-001/IP-P01251/2018-2019/11958)
Flat No.101, Laurel Residency,
Road No.18, Panchavati Colony,
Manikonda, Hyderabad -500089.

... **Applicant/ Resolution Professional**

Date of Pronouncement of Order: 18.01.2023

CORAM:

Justice Telaprolu Rajani, Member Judicial

Appearance:

For Applicant/RP: Mr.M.Maharshi Viswaraj, Advocate.

Per: Justice Telaprolu Rajani, Member Judicial

ORDER

1. This is an Application filed by the Resolution Professional under Section 33 (2) of the Insolvency and Bankruptcy Code, 2016 (the Code) seeking orders for Liquidation of the Corporate Debtor i.e., M/s. Supra Petro Chemicals Private Limited and for appointment of Mr. Nethi Mallikarjuna Setty, Applicant/RP herein as the Liquidator.

2. The brief facts of the Application are that:
 - I. The NCLT, Amaravati Bench vide order dated 29.09.2022 admitted the Company Petition i.e., CP (IB) No.44/9/AMR/2022 under Section 9 of the Insolvency Bankruptcy Code, 2016 initiating Corporate Insolvency Resolution Process (CIRP) of **Supra Petro Chemicals Private Limited, Corporate Debtor (CD)** and appointed Mr. Nethi Mallikarjuna Setty, Applicant herein as the Interim Resolution Professional (IRP) and directed him to take charge of the Corporate Debtor and take necessary steps in furtherance of CIRP.

 - II. The Applicant has issued Public Announcement in Form-A on 01.10.2022, inviting claims from the Creditors and the last date for submission of claims was 15.10.2022. In response, only one claim was received from the Operational Creditor for

an amount of Rs.1,00,00,000/-. The CoC was constituted only with the Operational Creditor i.e., M/s.RJN Commodities Private Limited (100%).

- III. The 1st CoC meeting was held on 25.10.2022. CoC appointed the Applicant as Resolution Professional (RP).
- IV. Due to slow down in the power sector, the CD was not able to carry on the business operations and the CD has no business activity for the last several years. Hence, the CD defaulted in paying the creditors. The CD does not have any immovable assets. There is no value to the CD in the books of accounts and invitation of the Resolution Plan would be a futile exercise and waste of time and money.
- V. The 2nd CoC meeting was held on 28.11.2022. The CoC, after elaborately examining the possibility of reviving the CD, came to a conclusion that there is possibility of revival of CD. Hence, the CoC approved the resolution made by the Applicant for liquidation of the Corporate Debtor with 100% voting and further the COC with 100% voting resolved to appoint the Resolution Professional Mr. Nethi Mallikarjuna Setty, as Liquidator. Hence, this Application.

3. Hence the Applicant came up with this application and prayed to appoint him as Liquidator.
4. From the above, it would appear that despite all possible steps as required under the Code, taken during the CIRP, the CoC did not receive any viable proposal for revival of the Company.

ORDER

5. In view of the facts stated in the Application, this Tribunal allows the Application with the following directions.
 - a) Mr. Nethi Mallikarjuna Setty (Registration No. IBBI/IPA-001/IP-P01251/2018-2019/11958), having office at Flat No.101, Laurel Residency, Road No.18, Panchavati Colony, Manikonda, Hyderabad, Telangana - 500089; e-mail: **malliknethi@gmail.com**; Mobile:(+91) **9963606444** is appointed as the Liquidator. No disciplinary proceedings are pending against him as per the IBBI website.
 - b) He shall issue public announcement stating that Corporate Debtor is in Liquidation.
 - c) The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate here from.

- d) Subject to section 52 of the IBC 2016 no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- e) All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
- f) The liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code, read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.
- g) Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
- h) The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
- i) This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor,

except when the business of the Corporate Debtor is continued during the Liquidation process by the Liquidator.

- j) Copy of the Order shall be furnished to the IBBI, to the Regional Director (South Eastern Region), Ministry of Corporate Affairs; Registrar of Companies & Official Liquidator, Andhra Pradesh, the Registered Office of the Corporate Debtor; and the Liquidator.
6. With the above directions IA(IBC)/22/2023 in CP (IB) No.44/9/AMR/2022 is disposed of. Hence this Order.

Sd/-
Dated: 18.01.2023

JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL

Swamy Naidu