

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.201
IA/807(AHM)2022
in
CP(IB) 507 of 2018

Proceedings under Section 54 IBC, 2016 r.w Reg 45 of IBBI, 2016

IN THE MATTER OF:

Vineeta Maheshwari Liquidator For FNL AAC Block Pvt Ltd Applicant

Order delivered on: 25/01/2023

Coram:

Dr. Madan B. Gosavi, Hon'ble Member(J)
Mr.Kaushalendra Kumar Singh, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of order. The order is pronounced in the open court, vide separate sheet.

-SD-

KAUSHALENDRA KUMAR SINGH
MEMBER (TECHNICAL)

-SD-

DR. MADAN B GOSAVI
MEMBER (JUDICIAL)

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

**I.A. NO. 807 OF 2022 IN
C.P.(I.B) No. 507/7/NCLT/AHM/2018**

In the matter of:

(An Application under Section 54 of the Insolvency and Bankruptcy Code, 2016)

Ms. Vineeta Maheshwari

Liquidator of M/s. FNL AAC Block Pvt.
Ltd. 3rd Floor, Regus Business Centre
New City Light Road,
Surat-39007.

.....Applicant

In the matter of:

C.P. (I.B.) No. 507 of 2018

(An Application under Section 7 of the Insolvency and Bankruptcy
Code, 2016)

Bank of India

.....Financial Creditor

Versus

M/s. FNL AAC Block Private Limited

.....Corporate Debtor

Order delivered on 25.01.2023.

**Coram: Dr. Madan B. Gosavi, Member (Judicial)
KaushalendraKumar Singh Member (Technical)**

Appearance:

Mr. Karan Sanghani, Advocate for the Applicant.

ORDER

1. The present application is filed by Ms. Vineeta Maheshwari, Liquidator of FNL AAC Block Private Limited, the Corporate Debtor, under section 54(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "IB Code") r.w. Regulations 45(3)(b) of the IBBI (Liquidation Process) Regulations, 2016 (for brevity 'Liquidation Regulations') for dissolution of the Corporate debtor i.e. FNL AAC Block Private Limited.

2. The brief facts of the case are as under:-

a) The Financial Creditor i.e. Bank of India had filed an application under section 7 of the IB Code, 2016 for initiation of the Corporate Insolvency Resolution Process (hereinafter referred to as "CIRP") against the Corporate Debtor-M/s. FNL AAC Block Private Limited. The said application was admitted vide order dated 24.07.2020 and Ms. Vineeta Maheshwari was appointed as an Interim Resolution Professional (hereinafter referred to as "IRP") and thereafter the IRP was confirmed as RP.

b) The RP had preferred an Interlocutory Application No. 524 of 2020 under section 19 of IB Code and the same came to be allowed under order dated 28.09.2020 with the direction to the Directors and Officers of the Corporate Debtor to co-operate the IRP/RP in successful completion of CIRP. The Form G inviting Resolution plans came to be published on 05.10.2020. Due to non-cooperation of suspended management, the RP preferred Interlocutory Application No. 61 of 2021 under Section 12 of the Code seeking extension of 90 days for completing CIRP and the same came to be allowed under order dated 02.02.2021 whereby CIRP period was extended for 90 days from 19.01.2021.

- c) The RP had re-published Form G inviting Resolution plans on 26.02.2021 pursuant to which RP had received expression of interest from one prospective resolution applicant. The CoC in the Sixth meeting held on 20.02.2021 resolved to seek exclusion of 57 days from the period of 270 days pursuant to which the RP had preferred Interlocutory Application No. 319 of 2021 and the same was allowed vide order dated 04.05.2021 by excluding the period of 57 days from the total computation of 270 days.
- d) Since the prospective resolution applicant did not comply with the conditions, the CoC in the seventh meeting dated 07.05.2021 resolved by 100% voting to liquidate the corporate debtor. Accordingly, the RP preferred Interlocutory Application No. 388 of 2021 for liquidation of corporate Debtor under Section 33 of the IB Code.
- e) This Adjudicating Authority vide its order dated 21.09.2021 directed the Corporate Debtor to be Liquidated and appointed the Applicant i.e. Ms. Vineeta Maheshwari as the Liquidator.
- f) As directed by this Adjudicating Authority, the Liquidator gave necessary public announcements in the leading newspaper, inter alia, inviting proof of claims from all stakeholders and Creditors of the Corporate Debtor. The liquidator had constituted the Stakeholders Consultation Committee on 18.11.2021 and also filed list of stakeholders on 19.11.2021. The liquidator also filed Preliminary Report and Asset memorandum dated 05.12.2021 as required under Regulations 13 and 34 of the Liquidation Regulations.
- g) Thereafter, the Liquidator published E-auction sale notice on 19.12.2021 and the said E-auction did not materialize as no EMD was received. The liquidator thereafter published second E-auction sale notice on 05.01.2022 for

sale of assets of corporate debtor and the e-auction was fixed on 12.01.2022.

- h)** E-auction of assets of corporate debtor was completed on 12.01.2022 by declaring M/s. Tajpuriya Technoplast Private Limited as successful H-1 bidder at the price of Rs.11,04,56,368/- under the option 2: Sale of set of assets collectively as against the reserve price of Rs.6,54,56,368/-. A letter of intent was issued to the successful bidder on 13.01.2022 and certificate of sale was issued on 19.04.2022. The net amount paid by the successful bidder stood at Rs. 12,15,24,044/- which is inclusive of interest of Rs.8,39,788/- and GST of Rs. 1,02,27,888/-.
- i)** The liquidator also preferred Interlocutory Application No. 143 of 2022 under Section 66 of the Code for fraudulent transactions against the director of Corporate Debtor and the said Application came to be disposed of as withdrawn vide order dated 10.08.2022.
- j)** The Liquidator closed the Bank Account which was opened for liquidation. The auditor's certificate on the liquidation shows receipts and payments.
- k)** In compliance with Regulation 45 of the IBBI (Liquidation Process) Regulations, 2016, the Liquidator has filed the Final report on 29.08.2022.
- l)** In compliance with Regulation 45(3) of the IBBI (Liquidation Process) Regulations, 2016, the Liquidator has filed the Compliance Certificate in Form H dated 29.08.2022 wherein the liquidation value of the liquidation estate is Rs. 5,30,03,536/-. However, the total realised amount from the sale of liquidation estate is Rs. Rs.12,15,24,044 inclusive of interest and GST. The amount distributed to stakeholders as per section 52 or 53 of the Code is as under:

Sl.	Particulars	Amount (in Rs.)
1.	Reimbursement of CIRP Costs	21,80,645/-
2.	Liquidation Costs	1,43,29,765/-
3.	Bank of India (distribution as per sec 53)	10,50,13,635/-
TOTAL		12,15,24,045/-

m) Having satisfied to the full extent that no further assets were to be utilized and/ or disposed of, for recovery of dues of the Stakeholders, no further proceedings would remain in the Liquidation Process of the Corporate Debtor, hence, the instant application is filed by the Liquidator for appropriate order/directions under section 54 of the IB Code.

3. In view of the above, and documents placed on record, in exercise of the powers conferred under section 54(2) of the I.B.Code, we hereby order the dissolution of the Corporate Debtor viz., FNL AAC Block Private Limited, having CIN No. U26931GJ2013PTC073245 from the date of this order and the Corporate Debtor stands dissolved.

4. Consequently, the Liquidator Ms. Vineeta Maheshwari is discharged from her duties and responsibilities as the Liquidator of the Corporate Debtor.

5. The Liquidator and the Registry are directed to send the copy of this order within 7 days from the date of this order to the ROC, Gujarat along with all the books and files of the Corporate Debtor, i.e., FNL AAC Block Private Limited.

6. A copy of this order shall also be forwarded to the IBBI and concerned parties for their record.

7. Accordingly, IA 807 of 2022 in CP(IB) No. 507 of 2018 stands allowed and disposed of in view of the above observations.

-SD-

Kaushalendra Kumar Singh
Member (Technical)

-SD-

Dr. Madan B. Gosavi
Member (Judicial)