

SL.No.4

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

PHYSICAL HEARING

**CORAM: JUSTICE TELAPROLU RAJANI – HON’BLE MEMBER (J)
CORAM: SHRI CHARAN SINGH - HON’BLE MEMBER (T)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 28.08.2023 AT 02:30 PM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC)/1301/2023 in Company Petition (IB) 164/2022
NAME OF THE COMPANY	Ganga Steel Enterprises Pvt Ltd
NAME OF THE PETITIONER(S)	Ram Chandran Traders Pvt Ltd
NAME OF THE RESPONDENT(S)	Ganga Steel Enterprises Pvt Ltd
UNDER SECTION	7 of IBC

ORDER

This application is allowed and disposed of vide separate order.

**Sd/-
MEMBER (T)**

**Sd/-
MEMBER (J)**

VL

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II, HYDERABAD**

**I.A. No. 1301/2023 in
C.P. (IB) No. 164/7/HDB/2022
U/S. 33(1)(a) of the IB Code, 2016**

**In the matter of
M/S. SRI GANGA STEEL ENTERPRISES PRIVATE LIMITED**

Mr. Maruti Venkata Subba Rao Poluri,
Resolution Professional of
M/s. Sri Ganga Steel Enterprises Private Ltd.,
Vishnu Vistara Apartments, Flat No.A-505,
Bhagyanagar Colony Main Road,
Hyderabad – 500 081.

...Applicant/Resolution Professional

Date of Order: 28.08.2023

Coram:

Hon'ble Justice Smt. Telaprolu Rajani, Member (Judicial)

Hon'ble Sri Charan Singh, Member (Technical)

Counsel present:

For the Applicant : Mr. Ch. Srinivasulu, Advocate

Heard on : 11.08.2023

Per : Bench

1. This Application is filed under Section 33 (1)(a) r/w Section 34 of IBC, 2016, seeking for liquidation of the Corporate Debtor (CD)

M/s. Sri Ganga Steel Enterprises Private Limited and to appoint Mr. Abhay Narayan Manudhane as the Liquidator.

2. The facts, briefly, as per the application, are:
 - a. The CD was admitted into Corporate Insolvency Resolution Process (CIRP) vide this Tribunal's orders dated 31.10.2022 and a public announcement was made by the IRP. When he visited the premises, he came to know that the entire assets of the CD were hypothecated in favour of the Punjab National Bank and the same were sold against their dues, hence handing over of the assets did not arise.
 - b. Claims were received from the Financial Creditors and constitution of the Committee of Creditors (CoC) was done. Meetings were conducted. IRP placed the quotations received from various valuers to assess the value of the assets of the CD. As there are no physical assets available and leasehold rights are assigned to Punjab National Bank, CoC approved to obtain only financial assets valuation. There was no cooperation from the CD and its suspended Board of Directors.
 - c. During deliberations, it was understood that M/s. Puissant Global Pvt. Ltd. was the Successful Resolution Applicant of M/s. Splendid Metal Products Ltd now M/s. Thalaivar Steels Ltd and that, it filed a petition for substitution of Resolution Applicant which is pending before NCLT. None of the CoC members could share any information on the said aspect.

- d. CIRP timelines were completed as per IBBI (CIRP) Regulations, 2016. Extension was sought for 90 days which was allowed and the same is going to expire on 07.08.2023.
 - e. The Auditors had not furnished any adverse remarks on the affairs of the company and its Books of accounts and records. Valuation of financial assets of the company was completed. Since, there were no assets, the valuers assessed the value of the financial assets of the company. Except the name of the company and Bank Accounts, there is nothing remaining to be valued by the valuers.
 - f. Expression of Interests (EoIs) were invited, but no potential Resolution Applicant came forward. Even in the extended period of CIRP, no Resolution Plans were received. Hence, this application.
3. Heard the counsel. Considering the fact that inspite of the best efforts of the RP, no Resolution Plan could be obtained, we allow this application.

ORDER

4. In view of the facts stated in the Application, this Tribunal allows the Application with the following directions.
 - a) Mr. Maruti Venkata Subba Rao Poluri, the present Resolution Professional will be discharged from his duties forthwith.
 - b) Mr. Abhay Narayan Manudhane (Registration No. IBBI/IPA-001/IP-P00054/2017-18/10128), having office at 201, Shubh Ashish, 129, Model Town, Andheri West, Mumbai – 400 053, E-mail ID : anmanudhane@rediffmail.com is appointed as the

Liquidator. No disciplinary proceeding is pending against him as per the IBBI website.

- c) He shall issue public announcement stating that Corporate Debtor is in Liquidation.
- d) The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate here from.
- e) 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.
- f) 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.
- g) 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.
- h) Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.

- i) The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
- j) 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.
- k) 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, Telangana, the Registered Office of the Corporate Debtor; and the Liquidator.
5. With the above directions **IA.No.1301/2023 in CP (IB) No.164/7/HDB/2022** is allowed and stands disposed of.

Sd/-
(CHARAN SINGH)
MEMBER (TECHNICAL)

Sd/-
(JUSTICE TELAPROLU RAJANI)
MEMBER (JUDICIAL)

VL