IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
COURT – 2

ITEM No.301

IA(Dis.)/3(AHM)2026 in CP(IB) 430 of 2018

Proceedings under Section 54(1) of the IBC,2016

IN THE MATTER OF:

Kiran Shah Liquidator of M/s.Dhorajia Engineering Company Private Limited (In Liquidation) **.....Applicant**

.....Respondent

Order delivered on: 17/11/2026

Coram:

Mrs. Chitra Hankare, Hon'ble Member(J)
Dr. Velamur G Venkata Chalapathy, 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 open Court, vide separate sheet.

SD/-

DR. V. G. VENKATA CHALAPATHY
MEMBER (TECHNICAL)

SD/-

CHITRA HANKARE
MEMBER (JUDICIAL)

NATIONAL COMPANY LAW TRIBUNAL
AHMADABAD BENCH
COURT– II

IA (Dis.)/3(AHM)2026

IN

C.P. (I.B.) No. 430(AHM)/2018

(An application filed under Section 54(1) of the Insolvency and Bankruptcy Code, 2016)

IN THE MATTER OF:

Kiran Shah Liquidator
M/s. Dhorajia Engineering Company Private Limited
Having office at:
608, Sakar-I, Near Gandhi Gram Railway Station,
Ashram road, Ahmedabad-380009
Gujarat.

….Liquidator/Applicant

Order Pronounced on: 17/11/2026

For the Applicant : Mr. Kiran Shah,FCA (Liquidator)
Mr. Nandish Chudgar, Advocate
For the Income Tax : Mr. Aman A Mir, Advocate
For the ROC: Ms. Ishani Pandya, Dy. ROC

CORAM:

MRS. CHITRA HANKARE
HON'BLE MEMBER (JUDICIAL)

DR. V.G. VENKATA CHALAPATHY
HON'BLE MEMBER (TECHNICAL)

J U D G M E N T

1. The Instant Application is filed by Mr. Kiran Shah, Liquidator of M/s. Dhorajia Engineering Company Private Limited the Corporate Debtor, under Section 54(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter refered to as "IB Code") with a prayer to dissolve the Corporate debtor.

2. That the Corporate Debtor is a Private Limited Company incorporated under the Companies Act, 1956 on 11.05.1988 having CIN No. U29199GJ1988PTC010687 registered office at C-25, Trezure Enclave Nr. Aryaman Bunglow, Thaltej-Shilaj Road, Ahmedabad-380059, Gujarat-.

3. The Operational Creditor i.e. Larsen & Toubro Limited bearing CP(IB) No. 430/9/NCLT/AHM/2018 filed an application under Section 9 of the IBC, 2016 and vide order dated 21.11.2019 the said petition was admitted and Mr. Kiran Shah has appointed as Interim Resolution Professional (hereinafter referred to as 'IRP').

4. It is submitted that in the seventh meeting of CoC held on 30.06.2020, wherein it was decided to go for the liquidation of

the Corporate Debtor with 97.83% voting in favour of the liquidation of the Corporate Debtor and vide order dated 10.08.2020 the order for the liquidation of Corporate Debtor was passed and Mr. Kiran Shah appointed as the Liquidator.

5. That the Liquidator published Form-B on 01.09.2020 in newspaper calling for claims of stakeholders of Corporate Debtor in "Financial Express" in English & Gujarati edition.

6. As per provisions of sub Regulation (1) of Regulation 31 of the Insolvency and Bankruptcy Board of India (Liquidation Process)Regulations, 2016 the Liquidator prepared list of stakeholders consisted of following:

   1. Ashwinkumar Shambhubhai Patel
   2. Purvishkumar Vallabhbhai Patel
   3. Hasmukhbhai Balubhai Patel
   4. Geetaben Hasmukhbhai Patel
   5. Larsen & Toubro Limited

7. The Public announcement intimating filing of the list of staekholders on 27.10.2020 in "Financial Express" in English & Gujarati edition were made.

8. The Liquidator had duly prepared and filed preliminary report as per the provisions of Regulation 13 of the Insolvency and Bankruptcy Board of India (Liquidation Process)Regulations, 2016 on 25.10.2020.

9. The Liquidator has duly submitted the asset memorandum in accordance with the provisions of Regulation 34 of the Insolvency and Bankruptcy Board of India (Liquidation Process)Regulations, 2016 on 25.10.2020.

10. The Liquidator in terms of Regulation 31A of the Insolvency and Bankruptcy Board of India (Liquidation Process)Regulations, 2016 convened the total six meetings of the stakeholders consultation committee and resolved to go for dissolution of the Corporate Debtor.

11. The Liquidator had duly submitted the Progress reports in accordance with the provisions of regulation 15 of the Insolvency and Bankruptcy Board of India (Liquidation Process)Regulations, 2016 for all quarters upto 30.06.2024.

12. It is submitted that the Corporate Debtor consisted of two assets which formed a part of the Liquidatio estate of the Corporate Debtor and one said assets of the Corporate Debtor were sold /disposed of in accordance with the law through the

mode of private sale as stipulated in the provisions r/w schedule –I thereof and the other asset was realised by making efforts of issuing correspondences and raising grievances, the details are as under:

Particulars of the Assets	Realized Value (in Rs.)	Name of the person to whom sale is made
Plant and machinery	1,70,000/-	M/s. Teknik Engineers and Spares
Income Tax Refund	1,05,47,742/-	Not applicable

13. In pursuance of the discharge of the duties as the Liquidator of the Corporate Debtor in terms of section 35 of the IBC, 2016, the Applicant sold/disposed of the tangible asset of the Corporate Debtor i.e. plant and machinery lying at workshop of Larsen & Toubro Limited in the city of Nagpur in the state of Maharashtra through private sale after granting of the permission by this tribunal and issued/raised /correspondences /recover the financial asset being the refund from Income Tax Department under the provisions of the law. The Applicant had duly submitted assets sale report as per provisions.

14. It is submitted that, in the 6th meeting of the SCC, it was noted that the Income Tax Department had adjusted certain amounts against the outstanding demands of the Corporate Debtor under Section 245 of the Income-tax Act, 1961, without releasing the entire refund receivable. Accordingly, the members representing 100% of the voting share approved the recommendation for distribution of the refund amongst the stakeholders, pursuant to Regulation 31A(1)(g) read with Regulation 31A(6A) of the IBBI (Liquidation Process) Regulations, 2016. Consequently, IA No. 1553 of 2024 was filed under Section 35(1)(n) of the IBC, 2016 read with Regulation 38 of the said Regulations, seeking permission for distribution of the refund, which was allowed by this Hon'ble Tribunal vide order dated 13.05.2025.

15. The Liquidator opened a bank account in ICICI bank, JMC House Branch, Ahmedabad in the name of M/s. Dhorajia Engineering Company Pvt Ltd (in Liquidation) bearing account no. 002405028119 and the said account reduced to NIL as on 16.08.2024 and bank issued closure certificate on 26.02.2026. The Applicant has distributed the proceeds from realization in pursuance of the provisions of sub regulation (2) of regulation

42 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.

16. The Liquidator has submitted Form -H as per Regulation 45(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations. As there are no assets of the Corporate Debtor, the Liquidator has filed the present application.

17. ROC has filed its reply stating and submitted list of shareholders as on 31.03.2016, master data of the Directors and Index of charges and also stated that as per record available with this office, no prosection, complaints, compounding is pending against the company. In Pursuance to reply of the ROC, the Applicant also filed an Additional Affidavit to clarify the position of Indian Bank and HDFC Bank.

18. Ld. Counsel for the Income Tax Deaprtment appeared and filed its reply stating that :

"*....Further it is informed that in the case of M/s Dhorajla Eneineering Companv Private Limited, (PAN:AAACDS484A) Total*

outstanding demand ls 311818741'and there is no assessment and penalty proceedings pending in this case."

19. In pursuance of reply of the Income Tax Department the Applicant had filed an additional affidavit clarifying that contrary to the demand of the Income Tax Department , there is a refund receivable by the Corporate Debtor which was wrongly adjusted by the Department for Rs. 13,74,468/- which is distributed to the stakeholders in accordance with the law. The Income Tax Department had transferred Rs. 1,05,47,742/- as refund. Resultantly, there is no question for demand shall arise. Hence, the Applicant seeking for dissolution of the Corporate Debtor.

20. In view of the submissions made by the Learned Counsel appearing for the Applicant/Liquidator, upon perusal of the pleadings, documents placed on record and the reports filed by the Liquidator, this Adjudicating Authority is satisfied that the liquidation process of the Corporate Debtor, namely, M/s. Dhorajia Engineering Company Private Limited, has been completed in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016 and the Insolvency and

Bankruptcy Board of India (Liquidation Process) Regulations, 2016. It is observed that the Liquidator has realised the assets of the Corporate Debtor, comprising plant and machinery and the income-tax refund receivable from the Income Tax Department. The proceeds realised have been dealt with and distributed amongst the stakeholders in accordance with the provisions of the Code and the applicable Regulations. It is further noted that the Liquidator has obtained the approval of the Stakeholders' Consultation Committee and the requisite permission of this Adjudicating Authority vide order dated 13.05.2025 in IA No. 1553 of 2024 for distribution of the income-tax refund. It is further noted that the Liquidator has filed the prescribed Form-H under Regulation 45(3) of the Liquidation Process Regulations, 2016, along with the requisite reports and documents evidencing completion of the liquidation process. The Liquidator has also submitted that no assets remain in the liquidation estate of the Corporate Debtor and the liquidation account has been reduced to NIL.

21. The Registrar of Companies has filed its reply furnishing the particulars of the shareholders, directors and charges and has stated that, as per the records available with its office, no

prosecution, complaint or compounding proceedings are pending against the Corporate Debtor. The response filed by the Income Tax Department has also been taken on record. The observations made therein regarding the outstanding tax demand shall, however, remain subject to the applicable provisions of law and shall not be construed as being adjudicated upon by this Authority in the present proceedings.

22. Having regard to the facts and circumstances of the case and being satisfied that the liquidation process has been completed and no further purpose would be served by keeping the Corporate Debtor in existence, in view of the same we pass following order:

O R D E R

i. Accordingly, in exercise of the powers conferred under Section 54(1) of the Insolvency and Bankruptcy Code, 2016, the application is allowed and M/s. Dhorajia Engineering Company Private Limited (CIN: U29199GJ1988PTC010687) is hereby dissolved with effect from the date of this order.

iii. The Liquidator, Mr. Kiran Shah, is discharged from his duties as Liquidator of the Corporate Debtor, subject to compliance with such statutory requirements as may be applicable.

iv. The Liquidator shall file a copy of this order with the Registrar of Companies and the Insolvency and Bankruptcy Board of India, as required under the applicable provisions of law.

v. The Registrar of Companies shall take necessary consequential steps in accordance with law consequent upon the dissolution of the Corporate Debtor.

vi. It is clarified that the dissolution of the Corporate Debtor shall not affect any statutory or legal proceedings which, by virtue of the provisions of the Insolvency and Bankruptcy Code, 2016 or any other applicable law, are capable of being continued or enforced notwithstanding such dissolution.

vii. The Liquidator shall preserve the books, records and documents of the Corporate Debtor in accordance with the applicable provisions of law.

viii. The Registry is directed to communicate a copy of this order to the Applicant/Liquidator, the Registrar of Companies, the

Insolvency and Bankruptcy Board of India, the Income Tax Department and the Bank of India for information and necessary action.

ix. IA(Dis.) 3(AHM)/2026 in CP (IB) No. 430/2018 is accordingly disposed of.

SD/- **SD/-**

DR. V.G. VENKATA CHALAPATHY
MEMBER(TECHNICAL)

CHITRA HANKARE
MEMBER(JUDICIAL)

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