

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH : C-IV**

**IA-4149/2023 in CP(IB)-1239/MB/2021**

Under Section 33 of the IBC, 2016

**Mahesh Kumar Gupta**

...Applicant/Resolution Professional

*In the matter of*

**Car Bazaar Automobiles Pvt. Ltd.**

...Corporate Applicant

Order Pronounced on: **09.11.2023**

*Coram:*

Ms. Anu Jagmohan Singh  
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli  
Hon'ble Member (Judicial)

*Appearances:*

For the Applicant: Mr. Nithish Bangera, PCS, Authorised Representative.

**ORDER**

This is an Interlocutory Application filed on 04.09.2023 by Mr. Mahesh Kumar Gupta, Resolution Professional, under Section 33 of the Insolvency and Bankruptcy Code, 2016 (Liquidation Proceedings) Regulations, 2016, seeking liquidation of **Car Bazaar Automobiles Private Limited**.

**Brief facts of the Application:**

1. This Tribunal vide an order dated 03.03.2023 in Company Petition bearing C.P.(IB)-1239(MB)/2021 filed under Section 10 of the IBC, 2016, by the Corporate Applicant viz. Car Bazaar Automobiles Private Limited

(hereinafter referred to as the “Corporate Applicant”) admitted the petition and Corporate Insolvency Resolution Process (CIRP) was initiated on Car Bazaar Automobiles Private Limited. The applicant was appointed as Interim Resolution Professional (IRP) by this Tribunal vide the above admission order. He was later appointed as Resolution Professional (RP) in the first CoC meeting held on 05.04.2023.

2. The Applicant submits that the IRP had made public announcements through Form-A on 08.03.2023 in two local newspapers; one in Financial Express (English Newspaper) and another in Regional language inviting claims from the Creditors of the Corporate Applicant as per the Regulation 6(3) of the Insolvency and Bankruptcy Board of India (Insolvency Regulation Process for Corporate Persons) Regulations, 2016. After receipt of the claims from the Creditors, CoC was constituted.
3. The RP further submits that, he prepared Information Memorandum on the basis of the documents available with him and published Form-G on 26.05.2023 in newspapers inviting Expression of Interest (EoI) from the Prospective Resolution Applicants for submitting Resolution Plans for the Corporate Applicant. However, no EoI was received from Prospective Resolution Applicants by the RP as on last date for receipt of EoI.
4. As no Prospective Resolution Applicants came forward to bid for the company and the Corporate Applicant was already closed, the CoC in its fourth meeting held on 29.08.2023 unanimously approved to liquidate the company. Copy of relevant resolution passed by the CoC in its meeting held on 29.08.2023 is reproduced below:

*“IT WAS RESOLVED THAT operation of the Corporate Debtor be recommended for liquidation and an application be filed to NCLT, Mumbai for the approval of liquidation and Mahesh Kumar Gupta, RP be and is hereby authorized to sign all the related papers in NCLT, Mumbai or at other Authorities as may be deemed necessary.*

*IT WAS FURTHER RESOLVED THAT since the operation of the Corporate Debtor are already closed it is also recommended to liquidate the Corporate Debtor not as a going concern basis”.*

The above resolution is unanimously passed with 100% the voting of the CoC members.

5. Considering the facts and circumstances as submitted by the Applicant in the Application and by the Authorised Representative appearing for the Applicant, this Bench is of the considered view that the Corporate Applicant be liquidated. Accordingly, this Bench orders that -
  - a. The Corporate Applicant viz. Car Bazaar Automobiles Private Limited (CIN: U50102MH2011PTC225161) is ‘under liquidation’ w.e.f. today.
  - b. This Bench hereby appoints Mr. Sudhir Manikrao Laad, Resolution Professional having Registration No.: IBBI/IPA-002/IP-N00956/2019-2020/12994, email: cslaad@gmail.com, cell: 9422709445, as ‘Liquidator’ to conduct liquidation process of Car Bazaar Automobiles Private Limited as provided under Section 34(1) of the Code.
  - c. The Liquidator would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016 to conduct the liquidation proceedings.

- d. The Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016. The Liquidator to send this order to the RoC under which this Company has been registered.
- e. The Liquidator appointed under section 34(1) of the Code, will have all powers of the Board of Directors, Key Managerial Personnel and the Partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the Liquidator.
- f. The Liquidator is directed to appoint two valuers and obtain an average liquidation value under Regulation 27 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 [IBBI(IRPCP)] for determination of Liquidation value of the assets of the Corporate Debtor in accordance with Regulation 35 of IBBI(IRPCP).
- g. The personnel of the Corporate Applicant are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
- h. On having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suit or other legal proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority.

- i. The Liquidator shall take necessary Legal Action to recover the Trade Receivables and other Credits such as Loans and Advances from the parties which are reflected in the latest Balance Sheet of the Corporate Debtor, if any. This direction is hereby given in concurrence of the jurisdiction prescribed u/s. 33(5) of the Code.
  - j. This liquidation order u/s 33(7) shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Applicant except to the extent of the business of the Corporate Applicant continued during the liquidation process by the Liquidator.
  - k. Moratorium declared vide Order dated 03.03.2023 in CP(IB)-1239(MB)/2021, henceforth ceased to exist.
  - l. The Liquidator shall submit the progress report of liquidation periodically.
6. With the above directions, the IA-4149/2023 in CP(IB)-1239(MB)/2021 filed u/s 33 by the Applicant is hereby **allowed** and disposed of.

Sd/-

**Anu Jagmohan Singh**  
**Member (Technical)**

Sd/-

**Kishore Vemulapalli**  
**Member (Judicial)**