IN THE NATIONAL COMPANY LAW TRIBUNAL, DIVISION BENCH-II, CHENNAI

IA/673(Che)/2021
in
IBA/901/2019
(filed under *Sections 33 (2)* of the Insolvency and Bankruptcy Code, 2016)

In the matter of *M/s. MPL Motors Private Limited*

Mr. A. MOHAN KUMAR
Resolution Professional of
M/s. *MPL Motors Private Limited*
No. 6, F1, Abdul Regency,
South Mada Strett, Srinagar Colony,
Saidapet, Chennai – 600 015 ... *Applicant*

CORAM:
JUSTICE (RETD.) S. RAMATHILAGAM, MEMBER (JUDICIAL)
ANIL KUMAR B, MEMBER (TECHNICAL)

For Applicant : S. Sathyanarayanan, Advocate

Order pronounced on 18th February, 2022

ORDER

Per: **ANIL KUMAR B, MEMBER (TECHNICAL)**

Under Consideration is an application filed by the Resolution Professional viz., Mr. A. Mohan Kumar , under Section 33(2) of the Insolvency and Bankruptcy Code, 2016, (in short 'I&B Code, 2016').

2. The prayers made by the Applicant in the Application are as follows:-

a. *Pass an order of Liquidation of the Corporate Debtor viz., M/s. MPL Motors Private Limited;*

b. *Appoint A. Mohan Kumar (IBBI/IPA-002/IP-N00377/2017-18/11120) as the Liquidator;*

c. *Pass an order cessation of the moratorium declared under section 14 of IBC; and*

d. *Pass such other orders in the interest of Justice.*

3. Originally IBA/901/2019 filed under Section 7 of the I&B Code, 2016 by the Financial Creditor of the Corporate Debtor was admitted by this Adjudicating Authority vide Order dated 20.11.2020, the CIR Process was initiated against the Corporate Debtor and the applicant herein was appointed as the Interim Resolution Professional (IRP).

4. It is averred that pursuant to the Order of this Adjudicating Authority dated 20.11.2020, the applicant has caused public announcement on 02.12.2020 in Tamil daily 'Makkal Kural' and English daily 'Financial Express'. It is further averred that the applicant received the claim of one Financial Creditor viz., M/s. Sundaram BNP Paribas Home Finance Ltd., upon which the applicant has constituted the Committee of Creditors (CoC), it is further averred that the 1st CoC was held on 26.12.2020 in which the applicant was appointed as the Resolution Professional.

5. It is averred by the applicant that the Corporate Debtor neither had employees nor any business at the time of Commencement of CIRP. It is further averred that the CoC in their 2nd meeting held on 15.04.2021 after considering various

factors including absence of viable on- going business has passed a resolution to liquidate the Corporate Debtor.

6. The CoC has unanimously decided to liquidate the Corporate Debtor and appoint the present Resolution Professional as Liquidator in the 2nd CoC held on 15.04.2021. The operative part of the Resolution reads as follows: -

> ***"RESOLVED THAT** since no resolution plan was received in respect of Corporate Debtor, the approval of the CoC be and is hereby granted for the Liquidation of M/s. MPL Motors Private Limited".*
>
> ***"FURTHER RESOLVED THAT** the approval of the CoC be and is hereby granted for the appointment of A Mohan Kumar as the Liquidator"*
>
> ***"FURTHER RESOLVED THAT** Mr. Mohan Kumar, liquidator of the Company is authorized to do all such act, deeds, things as are necessary for Liquidation of M/s. MPL Motors Private Limited including engaging legal professionals and filing applications/petitions before adjudication authority"*

7. In these circumstances, ***Mr. A. MOHAN KUMAR*** having registration number ***(IBBI/IPA-002/IP-N00377/2017-2018/11120) (email: needamohan@gmail.com)*** is appointed as the Liquidator of the Corporate Debtor to carry out the liquidation process subject to the following terms of the directions.

a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended upto date enjoined upon her.

b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.

c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file suitable application before this Adjudicating Authority.

d) The Registry is directed to communicate this order to the Registrar of Companies, Chennai and to the Insolvency and Bankruptcy Board of India;

e) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.

f) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and that a fresh Moratorium under section 33(5) of the Insolvency and Bankruptcy Code shall commence.

g) The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.

h) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section – 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.

i) The Liquidator shall submit a Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further report as are required to be filed under the relevant

Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.

j) Copy of this order be sent to the Financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary co-operation in relation to the Liquidation process of the Corporate Debtor, viz., company-in-liquidation.

8. The application in IA/673/(Che)/2021 in IBA/901/2019 stands **Allowed** with the aforesaid terms.

-Sd-
B. ANIL KUMAR
MEMBER (TECHNICAL)

-Sd-
Justice (Retd.) S. RAMATHILAGAM
MEMBER (JUDICIAL)

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