

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

I.A. (IB) No. 198/KB/2022

in

C.P (IB) No. 108/KB/2018

Under section 54 of the Insolvency and Bankruptcy Code, 2016 read with regulation 45(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

In the matter of

Sarla Tantia

... Operational Creditor

Versus

Nadia Health Care Private Limited

... Corporate Debtor

And

In the matter of

Hrisikesh Dasgupta, Liquidator of Nadia Health Care Private Limited

... Applicant

**Order reserved on: 05.05.2022
Order pronounced on: 13.05.2022**

Coram:

Shri Rohit Kapoor, Member (Judicial)

Shri Harish Chander Suri, Member (Technical)

Appearances (through video conferencing):

For the Applicant

: Ms. Roshni Deepta Acharya, Advocate

ORDER

Per Harish Chander Suri, Member (Technical)

1. This court convened *via* hybrid mode.
2. This is an application filed under section 54(2) of the Insolvency and Bankruptcy Code, 2016 (***‘the Code’***) read with regulation 45(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 (***‘Liquidation Process Regulations’***) by the Liquidator of Nadia Health Care Private Limited (***‘Corporate Debtor’***) praying for dissolution of the Corporate Debtor.
3. The Adjudicating Authority *vide* order dated 05 October, 2018 admitted the Corporate Debtor under Corporate Insolvency Resolution Process (***‘CIRP’***) appointing Mr. Hrisikesh Dasgupta appointed as Interim Resolution Professional. Subsequently, his appointment was confirmed as Resolution Professional. Since no Resolution Plan was received during the CIRP and the maximum period of CIRP was over, this Adjudicating Authority *vide* Order dated 30 July, 2019, passed an order for liquidation of the Corporate Debtor and Mr. Hrisikesh Dasgupta (***‘Applicant’***) was appointed as the liquidator.
4. In compliance with Regulation 12 of the Insolvency and Bankruptcy Board of India (liquidation Process) Regulations, 2016 (***‘Liquidation Process Regulation’***) the Applicant made a Public announcement for commencement of liquidation Form ‘B’ in ***Financial Express*** (English) and ***Aajkal*** (Bengali) on 01 August, 2019 inviting proof of claims from the stakeholders of the Corporate Debtor in the specified forms. No Financial Creditor submitted their claim with the liquidator.
5. The Liquidator had opened a new bank account in the name of Corporate Debtor i.e., Nadia Health Care Private Limited in Liquidation [Account number: - 000605033832] as per regulation 41 of the Liquidation Process Regulations, with ICICI Bank Limited, R.N. Mukherjee Road, Kolkata.

6. The affairs of the Corporate Debtor were completely liquidated after realising the assets and distributing the amount to the stakeholders after complying with the provision of section 53 of the Code in the order of priority as mandated under the Code. Details of realization and distribution have been specifically mentioned in **Form-H** and the Final Report. The Account of Liquidation in terms of regulation 45(1) of the Liquidation Process Regulations and details thereof have been attached in the Final Report. The distribution of liquidation proceeds was as follows:

<i>Sl. No.</i>	<i>Particulars</i>	<i>Amount Paid</i>
(a)	Unpaid CIRP Cost – under Regulation 42 (3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016	Rs.20,75,614.68/-
(b)	Liquidation Cost - – under Regulation 42 (3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016	Rs.5,91,030.50/-
Total		Rs.26,66,645.18/-

7. In compliance of regulation 15 of the Liquidation Process Regulations, the Liquidator has filed ten progress reports for each quarter since the order of commencement of Liquidation Process. The final report disclosing all the material facts and information with respect to the liquidation process of the Corporate Debtor was filed on 15 December, 2021.
8. As per mandatory requirement under regulation 45(3) of the Liquidation Process Regulations, the Liquidator has prepared a compliance certificate under prescribed '**Form H**' and the same is annexed as **Annexure – 'O'** to the application.¹
9. Upon hearing the Ld. Counsel appearing on behalf of the Liquidator and on perusal of the documents annexed to the application, it appears that affairs of the Corporate Debtor have been completely wound up and its assets have been

¹Pages 110 – 117 of the I.A

IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH - I

In Re Dissolution of Nadia Health Care Private Limited
I.A. (IB) No. 198/KB/2022 in C.P (IB) No. 108/KB/2018

completely liquidated. The bank statements as on 01 February, 2022 reflect that there is no balance in the bank account.

- 10.** In view of the above facts and circumstances, there is no impediment to the Corporate Debtor being dissolved, and it is ordered accordingly.
- 11.** The Liquidator is further directed to serve a copy of this order upon the Registrar of Companies, West Bengal, immediately and, in any case, within fourteen days of receipt of this order. The Registrar of Companies shall take further necessary action upon receipt of a copy of this order.
- 12.** The Liquidator shall stand discharged from his responsibilities, subject to procedural compliances.
- 13.** *I.A. (IB) No. 198/KB/2022* in *C.P (IB) No. 108/KB/2018* shall stand disposed of in accordance with the above directions.
- 14.** The Registry is directed to send e-mail copies of the order forthwith to all the parties for information and for taking necessary steps.
- 15.** Certified copy of this order may be issued, if applied for, upon compliance of all requisite formalities.
- 16.** File be consigned to the record

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

The Order is pronounced on 13th day of May , 2022

SA,LRA