

**BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

IA 768 of 2019 in C.P.(I.B) No.506/NCLT/AHM/2018


Coram: HON'BLE Ms. MANORAMA KUMARI, MEMBER JUDICIAL

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD BENCH
OF THE NATIONAL COMPANY LAW TRIBUNAL ON 11.12.2019**

Name of the Company: Parag Sheth RP of Snehdaxa
Infrastructure Pvt Ltd
V/s

Snehdaxa Infrastructure Pvt Ltd & Ors

Section of the Companies Act : Section 33(2),34(1) of the Insolvency and
Bankruptcy Code

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	Nipun Singhvi	Adv.	Applicant	
2.	Pragati Tiwari			
	Vishal J. Dave			


ORDER

The Applicant is represented through learned counsels.

The instant application is filed under section 33(2), 34(1) of the IB Code.

The notice was issued to the Suspended Management but none appeared.

The Ld. Lawyer appearing on behalf of the RP submitted that there is no asset in the company and the Committee of Creditors has made all efforts for getting viable resolution plan but during the CIRP no expression of interest received from any prospective Resolution Applicant. Meanwhile, 270 days have also been completed/over on 03.11.2019.



The COC in its 4th meeting held on 24.10.2019 (page no. 78 of the Application) resolved to close the CIRP and all the member of the COC given their assent to move an application for initiation of the liquidation before the Adjudicating Authority and authorised the RP for the same.

It is also submitted by the RP that there is no bank balance available in the Corporate Debtor's Bank Account for conducting liquidation process, if approved. Therefore, the Committee of Creditors has decided to open pool account of liquidation to meet the expenses under liquidation. It is also resolved by the Committee of Creditors that the RP shall continue as liquidator to which the RP has given his consent later dated 16.11.2019 as annexed at pg. no. 91.

On perusal of the record, it is found that COC has voted 100% in favour of the liquidation as reflected from page no. 90 of the Application.

In view of the facts and circumstances as submitted by the Applicant and also made in the application, I found it is a fit case for passing an appropriate order for liquidation of Corporate Debtor.

Under the facts and circumstances and the ground mentioned in the Application, this Adjudicating Authority passes the following order;


- a) The moratorium declared under Section 14 of the IB Code shall cease to have effect from the date of the order of liquidation.
- b) The Liquidator is further directed to issue public announcement stating that the Corporate Debtor is in liquidation.
- c) The Liquidator is required to send certified copy of this order to the authority with which the Corporate Debtor is registered.
- d) Subject to Section 52 of the IB Code, no suit or other legal proceedings shall be instituted by/or against the Corporate Debtor. However, a suit and other legal proceedings may be instituted by the Liquidator, on behalf of the Corporate Debtor, with the prior approval of this Authority.
- e) This Authority makes it clear that para (d) hereinabove shall not apply to legal proceedings in relation to such transactions as notified by the Central Government in consultation with any financial sector regulator.
- f) The 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.
- g) All the 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 Company Liquidator. In addition to this, the Company Liquidator shall exercise the powers and duties as enumerated in Sections 35 to 50, 52 to 54 of the IB Code, 2016, read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

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- h) The personnel of the Corporate Debtor shall extend all assistance and co-operation to the Liquidator as may be required by him in managing the affairs of the Corporate Debtor.
- i) The Company Liquidator shall be entitled to charge such fee for the conduct of the liquidation proceedings in such a proportion to the value of the liquidation estate assets as may be specified by the Board.
- j) The Registry is directed to communicate this order with immediate effect to the concerned Registrar of Companies, registered office of the Corporate Debtor and Company Liquidator for information and compliance.

With the above observations, the application so filed by the RP is allowed and in the circumstances, the Adjudicating Authority passes an order for liquidation of the Corporate Debtor under Section 33 of the IB Code, 2016. This Adjudicating Authority do hereby appoint Mr. Parag Sheth [Registration Number: IBBI/IPA-002/IP-N00142/2017-2018/10381] as liquidator.

Accordingly, the instant IA stands disposed.


MANORAMA KUMARI
(MEMBER JUDICIAL)

Dated this the 11th day of December, 2019.