

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

(IB)-168(ND)/2017

CORAM:

PRESENT: MS. DEEPA KRISHAN
HON'BLE MEMBER(T)

MS. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 23.05.2018.

NAME OF THE COMPANY: M/s Su-Kam Power Systems Ltd. Vs. M/s Uniforce Energy Systems India Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 9 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present:	Mr. Aditya Sharditya and Mr. Shobhit Nanda, Advocates for the Petitioner Mr. Sunil Kumar, AGM, Legal Affairs, IBBI			
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ORDER

The COC comprises of only one claimant i.e. the Petitioner/Operational Creditor. As no resolution process was viable, the RP has prayed for liquidation. It appears that there are no assets available of the Corporate Debtor, the whereabouts of the Ex-Directors of the Corporate Debtor are not known, the Financial Statements are unavailable. Under such circumstances at the moment there is nothing to liquidate.

It is further brought to our notice that the petitioner company itself is undergoing a Resolution Process. Mr. Aditya Sharditya, Advocate has appeared on their behalf submits that they shall take care of the expenses incurred till now by the Resolution Professional. Mr. Sunil Kumar, AGM(Legal

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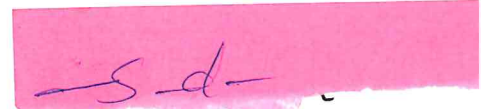
Affairs) from the IBBI is present in court. He has apprised this Bench that there is no fund to meet liquidation expenses in such exigencies.

Mr. Shobhit Nanda, Advocate for the RP prays that the RP be discharged from the present case. In view of the facts, the RP is discharged. The COC's recommendation for initiating liquidation process is allowed.

The Petitioner/Operational Creditor can propose the name of the Liquidator, who if found to be eligible, shall be appointed as the Liquidator, failing which the name shall be short listed from the panel of RPs maintained by the IBBI.



(Deepa Krishan)
Member (T)



(Ina Malhotra)
Member (J)