IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P. (I.B) No. 312/KB/2021

In the matter of:

A Petition under section 10 of the Insolvency and Bankruptcy Code, 2016 read with rule 7 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons), Regulations 2016.

And

In the matter of:

Sintra Limited
(CIN:U51909BR1972PLC000963)
Having its registered office at: -
Maurya Center 1, Fraser Road, Patna-
800001, Bihar

...*Corporate Applicant*

Coram:

Shri Rohit Kapoor : Member (Judicial)
Shri Harish Chander Suri : Member (Technical)

Date of hearing: 18.02.2022
Order pronounced on: 25.02.2022

Appearances (through video conference)

For Corporate Applicant : 1. Mr. Shaunak Mitra, Advocate
2. Mr. Avik Chaudhuri, Advocate
3. Ms. Sudarshana Dutta, Advocate

For Financial Creditor : Mr. Rahul Poddar, Advocate

ORDER

Per: Harish Chander Suri, Member (Technical)

1. This Court convened through video conference today.

2. The present Petition has been filed by Sintra Limited, CIN: U51909BR1972PLC000963, the Corporate Applicant, under section 10

of the Insolvency and Bankruptcy Code, 2016 (the Code) for initiation of Corporate Insolvency Resolution Process (CIRP) against itself. The Application has been filed through its Director Mr. Binu Kakkanattu Jose, DIN: 08428045, duly authorised *vide* Board Resolution dated 29.07.2021. A copy of the Board Resolution dated 29.07.2021 is annexed to the Application and marked as **Annexure-C** on **Pages 78-79**.

3. The Corporate Applicant was incorporated on 16.02.1942 under the name "The Hyderabad Investment Trust Limited" under the Companies Act, 1913. The Corporate Applicant was renamed to "The Shahabad Investments and Traders Limited and subsequently to "Sintra Limited" w.e.f. 12.12.1984. It was involved in the business of providing handling, loading, uploading and transport services to cement companies.

4. The reasons for applying for initiation of the CIRP by the Corporate Applicant are as follows: -

   4.1. The Corporate Applicant has not been able to carry any operation after the financial year 2017-2018.

   4.2. The Corporate Person lacks resources to pay off its liabilities and is not in a position to revive the business in the near future.

   4.3. The Corporate Applicant has defaulted in payment of dues to the Financial Creditors on 30.09.2019 and 24.03.2020 respectively and Operational Creditors on several dates.

   4.4. The total debt owed to the

   i. Financial Creditors is Rs.36,14,775/- (Rupees Thirty-Six Lakh Fourteen Thousand Seven Hundred and Seventy-Five only);

ii. Operational Creditors is Rs.7,74,28,427/- (Rupees Seven Crore Seventy-Four Lakh Twenty-Eight Thousand Four Hundred and Twenty-Seven only) as on 21.09.2021.

5. The members of the Corporate Applicant have given their consent by way of a resolution passed in the General Meeting held on 02.09.2021 to file the application under section 10 of the Code. A copy of the Resolution dated 02.09.2021 is annexed to the Application and marked as **Annexure-D** at **Pages 80-81**.

6. That the Corporate Person has two Financial Creditors, *viz.* Vivid Colours Private Limited and Aayush Commerce Private Limited[1] and Operational Creditors as given in Annexure H at Pages 129 to 201.

7. In support of its Application, the Corporate Applicant has submitted, *inter alia*, the following documents: -

(a) Memorandum and Articles of Association of the Corporate Applicant.

(b) Financial statements of the Corporate Applicant for the last two Financial Years being 2019-2020 and 2020-2021 and provisional audited financial statements as on 21.09.2021.

(c) Certificate of incorporation consequent on change of name dated 12.12.1984.

(d) Copies of demand notices and communications received for default from the Financial Creditors and Operational Creditors.

(e) Statement of Affairs of the Corporate Applicant as on 21.09.2021.

[1] Annexure G at Page 128

(f) List of secured, unsecured, and sundry creditors and statutory liability.

(g) Proof of service to IBBI dated 02.10.2021.

8. The Corporate Applicant has proposed the name of **Mr. Anang Kumar Shandilya** (Regn. No. IBBI/IPA-002/IP-N00882/2019-2020/12826) having **email i.d. ip.akshandilya@gmail.com,** mobile no. 9711914380, to function as the Interim Resolution Professional (IRP). Mr. Anang Kumar Shandilys has submitted his written communication in Form 2. The written communication is annexed to the application and marked as **Annexure-P** on **Pages 245-248**.

9. The Corporate Applicant has a 72 months' instalment facility along with 6 months' equivalent bank guarantee to clear off the dues of the Provident Fund authorities along with 6 months' equivalent bank guarantee which is reflected in the master data of the Corporate Applicant as well as Clause 4(4) under Note 7 of the Schedule of the Audited Balance Sheet as on 21.09.2021 as "*"FD with Bank of Maharashtra (BG to EPFO)"* for Rs.21,99,210/-." The sanction of instalment facility has not yet been approved by EPFO and the Bank Guarantee was never invoked.

10. We have heard the learned Authorised Representative appearing for the Corporate Applicant and have perused the documents on record.

11. There is no dispute from any quarter that the debt is due and payable by the Corporate Applicant to various creditors and that the Corporate Applicant is unable to pay the same.

12. The Corporate Applicant has furnished the books of accounts for the relevant period under section 10(3)(a); the Corporate Applicant has proposed the name of the IRP who has submitted its written consent (section 10(3)(b)); the Corporate Applicant has also filed the Special

Resolution passed by shareholders in Annual General Meeting dated 02.09.2021 under section 10(3)(c).

13. The Petition is free from defects and complete in all aspects as required under the law. The Petition shows that the Corporate Applicant is in default of a debt that is due and payable, and the default is more than the threshold amount as stipulated under section 4(1) of the Code at the relevant time. The default stands established and there is no reason to deny the admission of the present Petition.

14. Therefore, in the light of the facts stated in the application and the evidence placed on record, this Adjudicating Authority admits this Application and orders initiation of CIRP against the Corporate Debtor under the following terms: -

    (a) The Application bearing C.P.(IB) No. 312/KB/2021 filed by the Corporate Applicant under section 10 of the Insolvency & Bankruptcy Code, 2016, is hereby admitted for initiating the Corporate Insolvency Resolution Process in respect of Sintra Limited [CIN: U51909BR1972PLC000963].

    (b) There shall be a moratorium under section 14 of the IBC.

    (c) The moratorium shall have effect from the date of this order till the completion of the CIRP or until this Adjudicating Authority approves the resolution plan under sub-section (1) of section 31 of the IBC or passes an order for liquidation of Corporate Debtor under section 33 of the IBC, as the case may be.

    (d) Public announcement of the CIRP shall be made immediately as specified under section 13 of the Code read with regulation 6 of the Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

(e) As per the proposal given by the Corporate Applicant, **Mr. Anang Kumar Shandilya** (Regn. No. IBBI/IPA-002/IP-N00882/2019-2020/12826) having **email i.d. ip.akshandilya@gmail.com**, is appointed as the IRP for ascertaining the particulars of Creditors and convening a Committee of Creditors for evolving a Resolution Plan.

(f) During the CIRP period, the management of the Corporate Applicant shall vest in the IRP or, as the case may be, the RP in terms of section 17 of the Code. The officers and managers of the Corporate Person shall provide all documents in their possession and furnish every information in their knowledge to the IRP within one week from the date of receipt of this Order, in default of which coercive steps will follow.

(g) The IRP/RP shall submit to this Adjudicating Authority periodical reports on quarterly basis with regard to the progress of the CIRP in respect of the Corporate Debtor.

(h) The Corporate Applicant to pay to IRP a sum of Rs.1,00,000/- (Rupees One Lakh only) to meet the initial costs, as per Regulation 33(3) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, which amount shall be adjusted at the time of final payment.

(i) The Resolution Professional shall conduct CIRP in a time-bound manner as per Regulation 40A of IBBI (Insolvency Resolution Process for Corporate Persons) Regulation, 2016.

(j) The Court Officer of this Court is hereby directed to communicate this Order to the Corporate Person and the IRP by Speed Post, email and WhatsApp immediately, and in any case, not later than two days from the date of this Order.

(k) Additionally, the Corporate Person shall serve a copy of this Order on the IRP and on the Registrar of Companies, Bihar, Patna, by all available means for updating the Master Data of the Corporate Applicant. The said Registrar of Companies shall send a compliance report in this regard to the Registry of this Court within seven days from the date of receipt of a copy of this order.

15. **CP (IB) No. 312/KB/2021** to come up on 28.04.2022 for filing the first progress report.

16. A certified copy of this order may be issued, if applied for, upon compliance with all requisite formalities.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

Order pronounced on the 25th day February, 2022

GGRB_LRA