



**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT-I**

CP (IB)/645 (MB)/2024

Under section 7 of the Insolvency and Bankruptcy Code, 2016 read with rule 4 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016

In the matter of

State bank of India

[PAN:AAACS8577K]

...Financial Creditor/Applicant

Versus

Marvelous Metals Pvt. Ltd.

[CIN: U27209PN1985PTC036857]

...Corporate Debtor/Respondent

Order Pronounced on 13.12.2024

Coram:

Hon'ble Member (Judicial) : Justice V. G. Bisht (Retd.)

Hon'ble Member (Technical) : Sh. Prabhat Kumar

Appearances:

For the Financial Creditor : Mr. Anup Khaitan, Ld.
Counsel i/b Anup Khaitan
& Co.

For the Corporate Debtor : None.



ORDER

Brief Facts:

1. This Company Petition is filed under section 7 of the Insolvency and Bankruptcy Code, 2016 (**IBC**) by **State Bank of India** ("hereinafter referred to as the Financial Creditor/Applicant"), seeking to initiate Corporate Insolvency Resolution Process (CIRP) against **Marvelous Metals Pvt. Ltd.** ("hereinafter referred to as the Corporate Debtor/Respondent/CMEL").
2. The Applicant is a body corporate constituted under the **State Bank of India** Act, 1955 incorporated on 01.07.1955 having PAN AAACS8577K having its Head Office at State Bank of India Corporate Office, State Bank Bhavan, Madam Cama Road, Nariman Point, Mumbai 400021 and its Branch Address at Stressed Asset Management Branch -I, 2nd Floor, "The Arcade", World Trade Centre, Cuffe Parade, Colaba, Mumbai - 400 005, Maharashtra.
3. The Respondent is a company under the Companies Act, 1956 incorporated on 16.07.1985 having Company Identification no. U27209PN1985PTC036857 with its registered office at E-3, MIDC, Gokul Shirgaon, Kolhapur, Maharashtra, India, 416234. Its authorized share capital is Rs. 50,00,000/- (Rupees Fifty Lakhs Only) and Paid up and issued share Capital is Rs. 50,00,000/- (Rupees Fifty Lakhs Only).
4. The Total Amount in Default by the Corporate Debtor as on 29.02.2024 is Rs.15,94,55,964.88 (Rupees Fifteen Crores Ninety Four Lakhs Fifty Five Thousand Nine Hundred Sixty Four and Eighty Eight Paise only). The date on which the default occurred is stated to be 01.11.2022. Date of classifying the account as Non-Performing Asset is stated to be 29.01.2023.



Submissions of the Applicant:

5. The Corporate Debtor had initially availed Cash Credit facility from State Bank Of India vide Sanction of Credit Facilities dated 06.06.2007.
6. The said facility was lastly renewed and enhanced vide Sanction Letter No.RMME/2020-21/101 Sanction of Credit Facilities dated 07.01.2021 as under:
 - i. Cash Credit Facility: Rs. 10,00,00,000/-
 - ii. Term Loans : Rs. 2,06,00,000/-
 - iii. Term Loans-I : Rs. 28,00,000/-
 - iv. Term Loan- II: Rs. 63,00,000/-
 - v. GECL: Rs. 2,85,00,000/-

TOTAL EXPOSURE OF Rs. 15,82,00,000/-

7. Date of disbursement:
 - i. Cash Credit Facility: Rs. 10,00,00,000/- dated 07.01.2021
 - ii. Term Loans: Rs. 2.06.00.000/- dated 07.01.2021
 - iii. Term Loans-I : Rs. 28,00,000/- dated 07.01.2021
 - iv. Term Loan-II: Rs. 63,00,000/- dated 07.01.2021
 - v. GECL Rs. 2,85,00,000/- dated 07.01.2021

Findings-

8. Heard learned counsel for the Applicant and perused the material produced on record. The Respondent herein was set exparte vide order dated 05.12.2024 since they did not appear before this bench despite publication of notice in newspaper. Despite service of notice and providing several opportunities, none has appeared on behalf of the Corporate Debtor. The Applicant has placed on record the affidavit of service.



9. Upon perusal of the NeSL report placed on record, it is clear that the Corporate Debtor is in default of a debt due and payable and the default is in excess of minimum amount stipulated under section 4(1) of the IBC.
10. The application made by the Financial Creditor is complete in all respects as required by law. Therefore, the debt and default stand established and there is no reason to deny the admission of the Petition. In view of this, this Adjudicating Authority admits this Petition and orders initiation of CIRP against the Corporate Debtor.
11. The Financial Creditor has proposed the name of **Mr. Anuj Bajpai**, Registration No. **IBBI/IPA-001/IP-P00311/2017-18/10575**, as the Interim Resolution Professional of the Corporate Debtor. He has filed his written communication in Form 2 as required under rule 9(1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.
12. It is, accordingly, hereby ordered as follows: -
 - I. The Petition bearing **CP (IB)/645(MB)/2024** filed by **State Bank of India** [PAN: AAACS8577K], the Financial Creditor, under section 7 of the IBC read with rule 4(1) of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for initiating Corporate Insolvency Resolution Process (CIRP) against **Marvelous Metals Private Limited** [CIN: U27209PN1985PTC036857], the Corporate Debtor, is **admitted**.
 - II. There shall be a moratorium under section 14 of the IBC, in regard to the following:
 - i. The institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;



- ii. Transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein;
- iii. Any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002;
- iv. The recovery of any property by an owner or lessor where such property is occupied by or in possession of the Corporate Debtor.

Notwithstanding the above, during the period of moratorium: -

- i. The supply of essential goods or services to the corporate debtor, if continuing, shall not be terminated or suspended or interrupted during the moratorium period;
 - ii. That the provisions of sub-section (1) of section 14 of the IBC shall not apply to such transactions as may be notified by the Central Government in consultation with any sectoral regulator;
- III. 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.
- IV. Public announcement of the CIRP shall be made immediately as specified under section 13 of the IBC read with regulation 6 of the Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
- V. **Mr. Anuj Bajpai**, Registration No. **IBBI/IPA-001/IP-P00311/2017-18/10575**, having registered address at 708, Raheja Centre, Nariman Point, Mumbai City, Maharashtra, 400021. **Email ID: anuj19603@yahoo.co.in**, **Mobile: +91 8143660470** is hereby appointed as Interim Resolution Professional (IRP) of the Corporate



Debtor to carry out the functions as per the IBC. The fee payable to IRP or, as the case may be, the RP shall be compliant with such Regulations, Circulars and Directions issued/as may be issued by the Insolvency & Bankruptcy Board of India (IBBI). The IRP shall carry out his functions as contemplated by sections 15, 17, 18, 19, 20 and 21 of the IBC.

- VI. During the CIRP Period, the management of the Corporate Debtor shall vest in the IRP or, as the case may be, the RP in terms of section 17 of the IBC. The officers and managers of the Corporate Debtor shall provide all documents in their possession and furnish every information in their knowledge to the IRP within a period of one week from the date of receipt of this Order, in default of which coercive steps will follow.
- VII. The Financial Creditor shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with the IRP to meet the expenses arising out of issuing public notice and inviting claims. These expenses are subject to approval by the Committee of Creditors (CoC).
- VIII. The Registry is directed to communicate this Order to the Financial Creditor, the Corporate Debtor and the IRP by Speed Post and email immediately, and in any case, not later than two days from the date of this Order.
- IX. IRP is directed to send a copy of this Order to the Registrar of Companies, Maharashtra, Mumbai, for updating the Master Data of the Corporate Debtor. 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.

Sd/-

Prabhat Kumar
Member (Technical)

MK

Sd/-

Justice V. G. Bisht (Retd.)
Member (Judicial)