IN THE NATIONAL COMPANY LAW TRIBUNAL,
COURT- 1, MUMBAI BENCH

CP.(IB)-4461/(MB)/2019

Under Section 10 of I&B Code, 2016

In the matter of

MINESH PRINTS LIMITED,
6, 2nd Fanaswadi, 1ST FLOOR,
MUMBAI MH 400002

… Corporate Applicant

Order dated: 04.03.2020

Coram :
Hon'ble Suchitra Kanuparthi, Member (Judicial)
Hon'ble V. Nallasenapathy, Member (Technical

For the Applicant : Adv. Viraj Parikh i/b Saurabh Pandya Advocates.

Per : V. Nallasenapathy, Member (Technical)

ORDER

1. This Company Petition is filed by Minesh Prints Limited, through its Director and Shareholder, Mr. Anil Sadh, (hereinafter called "Corporate Applicant"), under Section 10 of Insolvency and Bankruptcy Code 2016 ("the Code") read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016, for initiation of Corporate Insolvency Resolution process.

2. The Corporate Applicant submits that its registered office is at 6, 2nd Fanaswadi, First Floor, Mumbai – 400002 incorporated on 20/02/1992 vide CIN U17120MH1992PLC065520 on the file of Registrar of Companies, having paid up share capital of ₹82,77,000/-.

3. The shareholders of the Corporate Applicant in the Extra Ordinary General Meeting held on 13.11.2019 passed a Special Resolution for filing an application under section 10 of the Code for initiation of CIRP. In the

said meeting the shareholders resolved to authorise Director and Shareholder, Mr. Anil Sadh, to file necessary application under the Code.

4. The petition reveals that the financial debt owed towards the unsecured financial creditors is ₹1,52,10,392/-. The record of default supported by relevant documents is provided in a detailed manner for each of the 9 financial creditors along with their names and addresses.

5. Further, the Corporate Applicant submits that it owes a sum of ₹16,91,97,339/- towards various operational creditors. The demand notices sent by the operational creditors supported with other relevant documents proving default is annexed. The details of such creditors along with their names and addresses are provided.

6. The total debt of the Corporate Applicant is summarised as below:

Particulars	Amt in Rs.
Financial Creditors	1,52,10,392
Operational Creditors	16,91,97,339
Total liabilities	*18,44,07,731*

7. The Corporate Applicant submits that the operational debt towards the operational creditors are outstanding for more than six months.Further it is submitted that some of the Creditors have initiated action for recovery of their dues and have issued legal notices, filed arbitration petitions against the Applicant Company indicating the defaults committed thereof.

8. The Corporate Applicant submits that there are no secured loans that are outstanding except that of Bank of Baroda which has been paid off and the release letter issued by it is annexed. Further it is submitted that there were no guarantees given by other persons.

9. The Corporate Applicant has enclosed the following to the Petition.

(a) Demand Notices issued / Statutory Notices issued by the Operational Creditors demanding for repayment of credit facilities availed by it. Details of the debts owed and the proof of default of the Operational Creditors.

(b) Details of the debts owed and the proof of default of the Financial Creditors.

(c) Release Letter issued by Bank of Baroda, dated 14.11.2019.

(d) Written communication of the IRP by Form 2 is annexed. Corporate Applicant proposed Mr. Mahesh Sureka, having Registration No.IBI/IPA-001/IP-P00413/2017-18/10736 and having address at 173, Udyog Bhavan, Sonawala Road, Goregaon (East), Mumbai- 400063 as Interim Resolution Professional to carry out the functions as mentioned under the Code.

(e) Audited financial statements for the years 2016-17, 2017-18, 2018-19 and the provisional financial statement for the period from 1.4.2019 to 25.11.2019.

(f) List of assets and liabilities of the Corporate Applicant divided into such categories as are appropriate for easy identification along with the estimated values assigned to each category.

(g) List of Financial and Operational Creditors along with the names, addresses and the amount due.

(h) The names and addresses of the members of the Company along with their respective shareholding.

(i) Copy of Special Resolution dated 13.11.2019 passed by the shareholders approving the filing of the present Application

(j) Memorandum of Association and Articles of Association.

10. This Bench has gone through the Petition and heard the arguments of the counsel and came to a conclusion that the Corporate Applicant is liable to make payment to various creditors and defaulted in making payments.

11. On reading the Petition and the supporting documents annexed with the Petition, this Bench is of the view that the Corporate Applicant has committed default and the Petition contains the particulars as required u/s

10 of the Code. Hence, this Bench hereby admits this petition, declaring moratorium with consequential directions as mentioned below:

(i) That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Applicant including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the Corporate Applicant any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Applicant in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Applicant.

(ii) That the supply of essential goods or services to the Corporate Applicant, if continuing, shall not be terminated or suspended or interrupted during moratorium period.

(iii) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

(iv) That the order of moratorium shall have effect from this date till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of Section 31 or passes an order for liquidation of Corporate Applicant under Section 33, as the case may be.

(v) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under Section 13 of the Code.

(vi) That this Bench hereby appoints Mr. Mahesh Sureka, having Registration No.IBI/IPA-001/IP-P00413/2017-18/10736 and having address at 173, Udyog Bhavan, Sonawala Road, Goregaon (East), Mumbai- 400063 as Interim Resolution Professional to carry out the functions as mentioned under the Code.

12. Accordingly, this Petition is admitted.

13. The Registry is hereby directed to communicate this order to the Applicant and the Interim Resolution Professional immediately.

Sd/-	Sd/-
V. Nallasenapathy Member (Technical)	Suchitra Kanuparthi Member (Judicial)