IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, CHENNAI

MA/612/IB/2018
In
CP/292/IB/CB/2018

Under Section 33(1) and (2) of the Insolvency and Bankruptcy Code, 2016
In the matter of

Shri. Vasudevan
Resolution Professional
Representing Corporate Debtor
(M/s.Uthrakalimman Infrastructures Private Limited)
.....Applicant

Order delivered on 07.01.2019

CORAM:
B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)
S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

For the Applicants/Petitioners: Shri. Vasudevan, RP

ORDER

Per: S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

Matter under consideration is an application dated 14.11.2018 filed by Mr. Vasudevan, the Resolution Professional for **M/s. Uthrakalimman Infrastructures Private Limited,** (for short **'Corporate Debtor'**) which is under CIRP as per the Order dated 14.05.2018.

2. The facts of the case as it stands now, in brief, is that the original petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 (in short **the IBC**) was filed by the Edelweiss Asset Reconstruction Company Limited, the Financial Creditor to initiate the Corporate Insolvency Resolution Process (in short CIRP)

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against M/s. Uthrakalimman Infrastructures Private Limited, the Corporate Debtor. The said CP (CP/292/IB/CB/2018) was admitted and the present applicant is appointed as Interim Resolution Professional by this Adjudicating Authority vide Order dated 14.05.2018.

3. In the instant Application, details have been given with regard to the meetings of the CoC. It has been stated in the application that the Corporate Debtor has no office, no Directors (Suspended Board members), no staff, no records and that the Statutory Auditor has not responded and no material on record was available to proceed with the CIR process. All these were brought to the knowledge of the CoC in the meetings held on 14.06.2018, 24.08.2018 and 16.10.2018; the minutes of the CoC meetings are enclosed as Annexure-3, Annexure-5 and Annexxure-6. It is seen from the application that no viable Corporate Resolution Plan could be evolved and presented before the CoC. Hence, a resolution was proposed in the meeting of the CoC conducted on 16.10.2018 for liquidation of the Corporate Debtor and the proposal was passed and approved unanimously. The RP in his memo stated that he has received only one claim from the Financial Creditor which is from M/s. Edelweiss Asset Reconstruction Company Limited, the entity which initiated the CIR process and there were no other claim received.

4. The total amount of claim from the said sole Financial Creditor is Rs.

188,91,41,501/- (Rupees One Hundred Eighty Eight Crore Ninety One Lakh Forty One Thousand Five Hundred and One only).

5. The RP has informed that the expense incurred during the CIRP was Rs. 2,900,249/- for Public Announcement and other expenses. The CoC has approved and ratified the said expenses as CIRP costs. Considering the resolution approved by the COC, the facts and circumstances of the case, no meaningful resolution can be arrived at in the CIR Process. It is further submitted that two Registered Valuers were appointed to determine the fair value and liquidation value of the Corporate Debtor in accordance with Regulation 35 and both the have been submitted their valuation report to RP. Therefore the RP has stated that the case of the Corporate Debtor is a fit and appropriate case to be dissolved as recommended by the CoC and filed this Application for liquidation of Corporate Debtor.

6. In the light of the facts and circumstances as stated in the Application filed by the RP, this Adjudicating Authority deems it fit to Order liquidation of the Corporate Debtor. Accordingly, in exercise of powers conferred under Section 33(1)(a) of the I&B Code, 2016, we proceed to pass order as follows:

ORDER

i. We order for liquidation of the Corporate Debtor viz., M/s. Uthrakaliamman Infrastructures Private Limited, which shall be

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conducted in the manner as laid down in Chapter III of part II of the I&B Code, 2016;

ii. As stated in Section 34(1) Where the Adjudicating Authority passes an order for liquidation of the corporate debtor under section 33, the resolution professional appointed for the corporate insolvency resolution process under Chapter II shall, subject to submission of a written consent by the resolution professional to the Adjudicating Authority in specified form, act as the liquidator for the purposes of liquidation unless replaced by the Adjudicating Authority under sub-section (4). We hereby appoint RP viz., Mr. Vasudevan as Liquidator, who shall issue a public announcement stating therein that the Corporate Debtor is in liquidation as recommended by the committee of creditors;

iii. The moratorium declared under Section 14 of the I&B Code, 2016, shall cease with the date of approval of this order.

iv. Copy of this Order shall be sent to the Registrar of Companies, RD, OL and the Registered Office of the Corporate Debtor;

v. As stated in Section 33(5) of the I&B Code 2016, subject to Section 52, 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.

vi. We make it clear that para (v) 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.

vii. In terms of Section 33(7) of the I&B Code 2016 this 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.

viii. 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 in the Liquidator viz., Mr. Vasudevan. In addition to this, the Liquidator shall exercise the powers and duties as enumerated in Sections 35 to 50, 52 to 54 of the I&B Code, 2016, r/w Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

ix. 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.

x. The 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. Accordingly, the fees of the conduct of the liquidation proceedings shall be paid to the Liquidator.

xi. The Tribunal directs the liquidator to submit progress reports before this Tribunal as per Rule 15 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016. As per the said rule, the liquidator is directed to submit the 1st progress report within 15 days after the end of the quarter in which he is appointed and subsequent progress reports within 15 days after the end of every quarter during which he acts as a liquidator.

In terms of the above, the present application **MA/612/IB/2018In CP/292/IB/CB/2018** by the RP under Section 33(1)(a)and Section 60 of the I&B Code, 2016, for initiation of the Liquidation Proceedings against the Corporate Debtor, stands **disposed of.**

(S. Vijayaraghavan)
Member (Technical)

(B. S.V. Prakash Kumar)
Member (Judicial)

Arpan

Mentioned case

(28)

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI NATIONAL COMPANY LAW TRIBUNAL, HELD AT 10.30 AM ON 10-01-2019

PRESENT: SHRI B.S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)
SHRI S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

APPLICATION NUMBER	:	MA/612/2018
PETITION NUMBER	:	CP/292/IB/2018
NAME OF THE PETITIONER(S)	:	VASUDEVAN (RP) in the matter of M/s. Ulkamkaliamman Infrastructure P. Ltd.
NAME OF THE RESPONDENT(S)	:	
UNDER SECTION	:	33(1) & (2) of IBC

S.No.	NAME (IN CAPITAL)	DESIGNATION / REPRESENTATION BY WHOM	SIGNATURE
1)	P. Stella Mary (for) K. Moorthy.	Counsel for RP	[signature]

MENTION CASE - MA/612/IB/2018 in CP/292/IB/2018:

ORDER

On having the Resolution Professional mentioned the matter stating that this Bench by oversight has not replaced the Resolution Professional basing on the resolution passed by 3rd CoC proposing replacement of Resolution Professional with some other Professional or Liquidator owing to the personal reasons cited by the Resolution Professional, this Bench hereby issued Corrigendum replacing Shri.Vasudevan, Resolution Professional (representing Corporate Debtor M/s.Uthrakaliamman Infrastructures Pvt. Ltd) with **Shri.Ramachandran Subramanian [IBBI/IPA-001/IP-P01440/2018-2019/12136]** to act as **Liquidator** from hereof.

This **CORRIGENDUM** be read as part of the order passed on 07.01.2019 in **MA/612/IB/2018** in **CP/292/IB/CB/2018**.

sd/-

(S.VIJAYARAGHAVAN)
Member (Technical)

sd/-

(B.S.V.PRAKASH KUMAR)
Member (Judicial)

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