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IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI
BENCH-VI

IB-659/(ND)/2019

Section: Under Section 7 of the Insolvency and Bankruptcy Code, 2016 and Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority), Rules, 2016.

In the matter of:

VOLKSWAGEN FINANCE PRIVATE LIMITED

Registered office at:
3rd Floor, Wing – A,
Silver Utopia Cardinal,
Gracious Road, Chakala,
Andheri Mumbai,
Maharashtra – 400099.

...Applicant

Versus

UNJ IMPORT PRIVATE LIMITED

Registered office at:
A-15, South Extension,
Part – II,
New Delhi – 10049.

...Respondent



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10/2/2020

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Coram:

DR. P. S. N. PRASAD
Hon'ble Member (Judicial)

DR. V.K. SUBBURAJ
Hon'ble Member (Technical)

Counsel for Applicant: Ms. Nazia Parveen, Advocate



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ORDER

Per Dr. V. K. Subburaj (Member Technical)

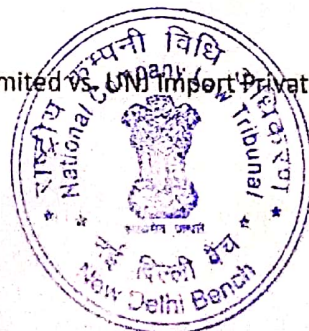
Date:03.02.2020

1. This is an application filed by the Applicant Volkswagen Finance Private Limited seeking to initiate corporate insolvency resolution process ("CIRP") of the Respondent UNJ Import Private Limited under Section 7 of the Insolvency and Bankruptcy Code, 2016 ("the Code") for the alleged default on the part of the Respondent in settling an amount of Rs. 24,31,556/- towards the car loan given by the Applicant to the Respondent. The details of the transactions leading to the filing of the application as averred by the Applicant are as follows:

- i. The Applicant sanctioned a car loan of Rs.35,00,000/- to the Respondent on 30.04.2015. The Respondent was supposed to pay 84 instalments of Rs.40,848/- for repaying the loan.
- ii. Since the Respondent failed to pay instalments due from the date 05.06.2017 the Applicant sent a loan recall notice dated 27.09.2017 to the Respondent wherein the Applicant demanded the due and payable amount of Rs.28,99,600/-.
- iii. No payment was received by the Applicant even after service of the notice. Thus, the present application has been filed.

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2. The Respondent was set ex-parte vide order dated 06.08.2019 since the Respondent failed to make a representation despite service. We heard the arguments of and perused the documents filed by the Applicant. The loan agreement, the statement of account and the loan recall notice show that the Respondent has committed a default in repaying the loan amount to the Applicant. In view of the above reasons this Tribunal initiates CIRP on the Respondent with immediate effect.
3. A moratorium in terms of Section 14 of the Code is imposed forthwith in following terms:
- “(a) the institution of suits or continuation of pending suits or proceedings against the Respondent including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
- (b) transferring, encumbering, alienating or disposing of by the Respondent any of its assets or any legal right or beneficial interest therein;
- (c) any action to foreclose, recover or enforce any security interest created by the Respondent in respect

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of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

(d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Respondent.

(2) The supply of essential goods or services to the Respondent as may be specified shall not be terminated or suspended or interrupted during moratorium period.

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

(4) The order of moratorium shall have effect from the date of such order till the completion of the corporate insolvency resolution process.”

4. The interim resolution professional (“IRP”) proposed by the Applicant is Mr. Kamal Agarwal, (Email – advocate.kamal.aggl@gmail.com) and is being confirmed by this

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Bench. He shall take such other and further steps as are required under the statute, more specifically in terms of Section 15, 17 and 18 of the Code and file his report within 30 days before this Bench.

-Sd-

(DR. V.K. SUBBURAJ)
MEMBER (TECHNICAL)

-Sd-

(DR. P.S.N. PRASAD)
MEMBER (JUDICIAL)



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John 12.2.2020
Deputy Registrar
National Company Law Tribunal
CGO Complex, New Delhi-110003

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