IN THE NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH
COURT NO. 1

ITEM No.202

IA/14(MP)2022 in CP(IB) 580 of 2019

Proceedings under Section 33(1) IBC,2016

IN THE MATTER OF:

Sajjan Kumar Dokania RP of Patwa Automotive Pvt Ltd **........Applicant**
V/s
Surendra Patwa & Ors **........Respondents**

Order delivered on 30/09/2022

Coram:

Dr. Madan B. Gosavi, Hon'ble Member(J)
Kaushalendra Kumar Singh Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of order.

The order is pronounced in open Court vide separate sheet.

-Sd- -Sd-

KAUSHALENDRA KUMAR SINGH
MEMBER (TECHNICAL)

DR. MADAN B. GOSAVI
MEMBER (JUDICIAL)

Braj Mohan

BEFORE THE ADJUDICATING AUTHORITY
THE NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH

IA 14 of 2022
In
CP(IB) 580 of 2019

(Application under Section 33 of the Insolvency and Bankruptcy Code, 2016)

<u>Through:</u>

Mr. Sajjan Kumar Dokania
Resolution Professional of:
M/s Patwa Automotive Pvt Ltd
Office:25, Globus Fab City,
Kolar Road, Chuna Bhatti,
Near Suyash Hospital,
Bhopal,
Madhya Pradesh- 462016

……Applicant

Versus

Surendra Patwa
Suspended Board of Director
Address: 34, Gulmarg Colony,
Indore,
Madhya Pradesh- 452001

Monica Patwa
Suspended Board of Director
Address: 34, Gulmarg Colony,
Indore,
Madhya Pradesh- 452001

……Respondents

<u>In the Matter of:</u>

Ritwik Finance Enterprises Pvt Ltd
CIN: U70101WB1987PTC043367
Having its registered address at:
P-1 Unique Park
Near Debalaya Shiv Mandir,
Behala, Kolkata
West Bengal- 302001

......Financial Creditor

Versus

Patwa Automotive Pvt Ltd
CIN: U01711MP1997PTC011615
Having its registered address at:
Lasudia Mori Dewas Naka,
A.B. Road, Indore,
Madhya Pradesh- 452012

......Corporate Debtor

Order reserved on: 15.09.2022
Order pronounced on: 30.09.2022

Coram: Hon'ble Dr. Madan B Gosavi, Member (J)
Hon'ble Kaushalendra Kumar Singh, Member (T)

Present:
For Applicant: Ld. Advocate Mr. Nipun Singhvi
For Respondent: : Ld. Adv. Mr. Abhinav Malhotra
For the IRP/RP: Mr. Sajjan Kumar Dokania

ORDER

1. The instant Application is filed by Mr. Sajjan Kumar Dokania Resolution Professional of **M/s Patwa Automotive Private Limited** under section 33 of the Insolvency and Bankruptcy Code, 2016 **("Code"**) for the liquidation of the corporate debtor M/s Patwa Automotive Private Limited.

2. The submissions made by the applicant in its application and presented/argued by the learned advocate are summarized hereunder:

(i) The financial creditor filed an application under section 7 for initiating Corporate Insolvency Resolution Process (CIRP) against the corporate debtor M/s Patwa Automotive Private Limited which was admitted by the Adjudicating Authority vide order dated 09.09.2020. Mr. Sajjan Kumar Dokania (IBBI registration No. IBBI/IPA-003/IP-N000150/2017-2018/11729) was appointed as

Interim Resolution Professional (IRP) of the corporate debtor and subsequently, was appointed as Resolution Professional (RP) for the CIRP of the corporate debtor.

(ii) In the 3rd meeting of the COC dated 20.11.2020, it was inter alia resolved to initiate the process of calling for expression of interest (EOI). The applicant herein has published an invitation for EOI in Form G on 23.11.2020, wherein the last date of the receipt of the EOI was 08.12.2020.

(iii) In the 5th meeting of the COC dated 08.02.2021, it was resolved to re-invite the prospective resolution applicants by fresh publication of From G. As per the resolution, the applicant herein published the second Form G on 12.02.2021.

(iv) In the 9th meeting of the COC dated 14.06.2021, it was resolved to reissue Form G for 3rd time. Third Form G was published for the invitation of EOI on 16.06.2021. Further, in the 12th meeting of the COC the last date for submission of the resolution plan was extended to 10.08.2021. Again, the last date for submission of the resolution plan was extended to 25.08.2021 by a resolution in the 13th meeting of the COC. In the 14th meeting of the COC, it was resolved that no further EOI shall be invited for submission of the resolution plans.

(v) In the 18th meeting dated 29.10.2021, the COC in accordance with Regulations 39B and 39C of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Person) Regulations, 2016 has approved the liquidation cost of Rs 9,35,000/- for the first three months and resolved to firstly try to sale the corporate debtor as going concern.

(vi) In the 20th meeting dated 30.11.2021, the COC has resolved with 100% of votes for liquidation of the corporate debtor since no resolution plan has been received till that date and there was no chance of receiving further resolution plans.

3. In view of the facts and circumstances and documents available on record, we pass the following order:

(a) We hereby pass the order of liquidation of the corporate debtor M/s Patwa Automotive Private Limited and allow IA No. 14 of 2022. The liquidation of the Corporate Debtor is effective from the date of this order.

(b) The Moratorium declared under section 14 of the Insolvency and Bankruptcy, 2016 shall cease to have effect from the date of the order of the Liquidation.

(c) As per section 34(1) of the I.B. Code, **Mr. Sajjan Kumar Dokania** having Registration No. IBBI/IPA-003/IP-N000150/2017-2018/11729 is hereby appointed as a Liquidator of the company, M/s Patwa Automotive Private Limited, who shall complete the liquidation process as per the provisions of the Insolvency and Bankruptcy Code, 2016 r.w Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

(d) All the powers of the board of directors, key managerial persons, and the partners of the corporate debtor, as the case may be, hereafter cease to exist. All these powers henceforth vest with the Liquidator.

(e) The personnel of the corporate debtor are directed to extend all cooperation to the liquidator as required by him in managing the liquidation process of the corporate debtor.

(f) The liquidator will charge fees for the conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by IBBI and the same shall be paid to the liquidator from the proceeds of the liquidation estate under section 53 of the Code.

(g) This liquidation order shall be deemed to be notice of discharge to the officers, employees, and workmen of the corporate debtor except to the extent of the business of the corporate debtor continued during the liquidation process by the Liquidator.

(h) The Registry is directed to communicate this order to the concerned Registrar of the Companies, registered Office of the Corporate Debtor, and the Liquidator by speed-post within one week from the date of this order.

4. Accordingly, IA 14 of 2022 in CP(IB) 580 of 2019 is disposed of.

-Sd-
Kaushalendra Kumar Singh
Member (Technical)

-Sd-
Dr. Madan B. Gosavi
Member (Judicial)

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