BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT 1

IA 355 of 2020 in CP(IB) 27 of 2018

Coram: MADAN B. GOSAVI, MEMBER (JUDICIAL)
VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE AHMEDABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 10.12.2020

Name of the Company: Premraj Ramratan Laddha Liquidator of
Vaman Fabrics Pvt Ltd
V/s
Punjab National Bank

Section: 54 IBC,2016

ORDER

The case is fixed for pronouncement of order.

The order is pronounced in open Court vide separate sheet.

(VIRENDRA KUMAR GUPTA)
MEMBER (TECHNICAL)
Dated this the 10th day of December, 2020

(MADAN B GOSAVI)
MEMBER (JUDICIAL)

Prakash

BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT-1

IA 355 of 2020
In
CP (IB) No.27/10/NCLT/AHM/2018

[Application under Section 54 of the Insolvency and Bankruptcy Code, 2016 r.w Regulation 2A of IBBI (Liquidation Process) Regulation, 2016]

In the matter of:

IA 355 of 2020

Mr. Premraj Ramratan Laddha
Liquidator of M/s. Vaman Fabrics Pvt. Ltd.
304, Abhijeet-III,
Mithakali Law Garden Road,
Ellis Bridge, Ahmedabad : Applicant

Versus

Punjab National Bank
1st Floor, Meghani Tower,
Statopm Road,
Surat-395003 : Respondent

C.P. No. (I.B) 27/10/NCLT/AHM/2018

M/s. Vaman Fabrics Pvt. Ltd.,
CIN No.
29/292, Satyanagar-4,
Udhna,
Surat 395007 : Corporate Applicant [Corporate Debtor]

Versus

Punjab National Bank : Respondent [Financial Creditor]
1st Floor, Meghani Tower,
Statopm Road,
Surat-395003

Date of Hearing: 7th December, 2020
Date of Pronouncement of Order: 10th December, 2020

Coram: Madan B. Gosavi, Member (Judicial)
Virendra Kumar Gupta, Member (Technical)

Appearance:
Learned Counsel Mr. Hiren Trivedi appeared for the Liquidator

ORDER

[Per: Madan B. Gosavi, Member (Judicial)]
(Through Video Conferencing)

1. This application under Section 54 of the Insolvency and Bankruptcy Code, 2016 r.w Regulation 2A of IBBI (Liquidation Process) Regulation, 2016 by the liquidator of Corporate Debtor M/s. Vaman Fabric Pvt. Ltd for passing order of dissolution of the Corporate Debtor and claiming fees and liquidation costs from the Financial Creditor i.e. Punjab National Bank.

2. By order dated 01.10.2018, the Corporate Debtor was admitted in Corporate Interim Resolution Process under Section 10 of the IB Code, 2016. The Applicant Mr. Premraj Ramratan Laddha – Resolution Professional having Registration No. IBBI/IPA-001/IP-P00060/2017-18/10138 was appointed as Insolvency Resolution Professional and his appointment was later on confirmed as Resolution Professional by the CoC.

3. Punjab National Bank was sole Financial Creditor of the Corporate Debtor and was only CoC member in Corporate Insolvency Resolution Process of the Corporate Debtor.

4. It appears from the record that since the Resolution Professional and the CoC did not receive resolution plan for the Corporate Debtor, hence, this Authority by order dated 17.07.2019 directed that the Corporate Debtor be liquidated. The Resolution Professional is appointed as the liquidator.

5. We have perused the record. It is seen from the record that the Corporate Debtor did not have any realizable assets. All its assets were already acquired and sold by the secured creditor in the Securitization Act. Hence, no assets were left with the liquidator for the realization of payment of the other creditors of the Corporate Debtor.

6. Be that as it may, upon our perusal of the record, we hold that whatsoever assets left over have been fully liquidated by the Applicant. There remains nothing for preserving legal existence of the Corporate Debtor as the live company. Hence, we allow liquidator's prayer of passing order of dissolution of the Corporate Debtor under Section 54 of IB Code, 2016 r.w. 309 of the Companies Act, 2013.

7. By this application, the liquidator claiming his fees and liquidation costs amounting to Rs.3,55,186/- from the sole Financial Creditor i.e. Punjab National Bank. He states that Punjab National Bank being sole Financial Creditor is the sole contributory under Regulation 2A of the IBBI (Liquidation Process) Regulation, 2016.

8. We have gone through the Regulation 2A cited above. It entitles the liquidator to call upon the Financial Creditor of the Corporate Debtor to contribute the excess of liquidation cost over the liquidated estate of the Corporate Debtor. In this case, as seen from the record that the Corporate Debtor does not have any assets left over for realization and management of the other debts or even for payment of liquidator fees and costs. In such situation, the liquidator is in his right to call upon Punjab National Bank – sole Financial Creditor to contribute sum of Rs.3,55,186/- towards liquidator fees and costs.

9. Inspite of receipt of notice of this application, no one appeared on behalf of the Punjab National Bank and filed its say on record. Even otherwise, Punjab National Bank being sole CoC member in its 4th meeting dated 30.03.2019 approved and ratified the liquidator's fees @ 50,000/- per month + expenses.

10. We hold that the liquidator has rightly claimed a sum of Rs.3,55,186/- from the contributory i.e Punjab National Bank as per detailed fee structure stated by him at page

no.7 & 8 of this application. So while passing the order of dissolution of the Corporate Debtor under Section 54 of IB Code, 2016 r.w 309 of the Companies Act, 2013, we direct the Punjab National Bank to pay the Applicant for a sum of Rs.3,55,186/- within two weeks failing which amount shall carry interest @ 6% per annum from today till its payment. We pass the following order.

ORDER

1. The Corporate Debtor, **M/s. Vaman Fabrics Pvt. Ltd.** having CIN No.U17110GJ1998PTC034581 stands dissolved from the date of this order.

2. The liquidator is directed to serve this order on Registrar of Companies (ROC) Gujarat for taking note of this order in particular Register and compliance report be filed.

3. We also direct registry to serve copy of this order to the Registrar of Companies (ROC) Gujarat as per Section 54(3) of IB Code, 2016.

4. We direct the Punjab National Bank to pay liquidator sum of Rs.3,55,186/- within two weeks failing which amount shall carry interest @ 6% per annum from the date of this order till payment is made.

5. IA 355 of 2020 and CP(IB) 27 of 2018 stands disposed-

off.

6. The Registry is directed to communicate a copy of this order to the Corporate Debtor and to the Resolution Professional and the concerned Registrar of Companies, after completion of necessary formalities, within seven working days and upload the same on website immediately after pronouncement of the order.

7. Accordingly, IA 355 of 2020 and CP (IB) No.27/10/NCLT/AHM/2018 stands admitted.

(Virendra Kumar Gupta)
Member (Technical)

(Madan B. Gosavi)
Member (Judicial)

Prakash