

SL.No.8

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

PHYSICAL HEARING

**CORAM: JUSTICE TELAPROLU RAJANI – HON’BLE MEMBER (J)
CORAM: SHRI CHARAN SINGH - HON’BLE MEMBER (T)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 31.05.2023 AT 02:30 PM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC)/346/2023 in CP (IB) No.354/9/HDB/2019
NAME OF THE COMPANY	SRK Food Products Pvt Ltd
NAME OF THE PETITIONER(S)	Prisha Om Foods
NAME OF THE RESPONDENT(S)	SRK Food Products Pvt Ltd
UNDER SECTION	9 of IBC

ORDER

IA (IBC)/346/2023

This application is allowed, vide separate orders.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)

**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II, HYDERABAD**

**I.A. No. 346/2023 in
C.P. (IB) No. 354/9/HDB/2019
Under Section 54(1) of the IB Code, 2016**

**In the matter of
M/S. SRK FOOD PRODUCTS PRIVATE LIMITED**

Mr. Shaik Gouse,
Liquidator of M/s. SRK Food Products Pvt. Ltd.,
H.No.17-1-391/T/250,
Saraswathi Nagar, Saidabad,
Hyderabad – 500 059.

.... Applicant/Liquidator

In the matter of:

M/s. Prisha Om Foods,
Plot No.676/A, Sitaram Chowk,
GIDC, Phase-II, Dared-Jamnagar,
Gujarat – 361 004.

.... Operational Creditor

Vs

M/s. SRK Food Products Pvt. Ltd.,
H.No17-1-391/T/250,
Saraswathi Nagar, Saidabad,
Hyderabad – 500 059.

.... Corporate Debtor

Date of Order: 31.05.2023

Coram:

Hon'ble Justice Smt. Telaprolu Rajani, Member (Judicial)

Hon'ble Sri Charan Singh, Member (Technical)

Counsel present:

For the Applicant : Mr. V.V.S.N. Raju, Advocate

Heard on : 25.05.2023

Per : Bench

ORDER

1. This application is filed by the Liquidator of the Corporate Debtor M/s. SRK Food Products Private Limited, seeking for dissolution of the Corporate Debtor.
2. The facts of the case briefly are as follows:
 - a. The Corporate Insolvency Resolution Process (CIRP) was initiated against the CD by virtue of the Order dated 17.09.2019. Mr. Kammula Prabhakar Rao was appointed as an Interim Resolution Professional (IRP) and later, the CoC in its 2nd meeting replaced the IRP and appointed the Applicant as Resolution Professional (RP) by order dated 17.12.2019. The CoC in its 4th meeting held on 02.03.2020 resolved with 100% voting for liquidation of the CD and accordingly, an application for liquidation was filed and the same was allowed vide Order dated 05.03.2021 appointing the Applicant as Liquidator. The Liquidator made a public announcement in Form-B inviting the claims from the Stakeholders and on receipt of the said claims, constituted the

Stakeholders Consultation Committee (SCC). The Liquidator prepared Preliminary Report, Asset Memorandum, Stakeholders Consultation Committee Report and submitted to the NCLT on 05.06.2021.

- b. The Applicant has given Public Announcement on 30.06.2021, 20.08.2021, 05.10.2021, 14.12.2021 for e-Auction of the Assets of CD inviting the eligible persons to submit their bid application to participate in the e-Auction, but did not receive any response. Again on 18.01.2022, the Applicant had issued the Public Announcement and has received one bid application along with EMD for the category of purchase of Plant and Machinery along with the Buildings, but, did not receive any bid application in respect of other assets related to the receivables i.e. Financial Assets.
- c. Based on the above, e-Auction was conducted on 24.02.2022 and a final bid of Rs.91,00,000/- has been received from M/s. Kontham Trading Company as against the reserved price of Rs.90,00,000/- for the category of Plant and Machinery together with Buildings thereon and issued Letter of Intent on 27.02.2022 to the Successful Bidder M/s. Kontham Trading Company.

- d. The Applicant once again issued Public Announcement on 18.04.2022 and has received two bid applications along with EMD for available category of other assets related to receivables i.e., financial assets and e-Auction was conducted on 05.05.2022 and final bid of Rs.1,10,000/- has been received from Mr. Manjeet Bucha as against the reserved price of Rs.1,00,000/- for the said category.
- e. The Applicant has distributed the proceeds of the sale of assets from the Liquidation account of the CD to the Stakeholders in terms of Section 53 of IBC, 2016.
- f. The Applicant carried out the audit of the Receipts and Payments of the Liquidation Account of the CD and obtained the Audited Report from the Independent Chartered Accountant appointed by the Applicant. The Applicant has totally filed six Progress Reports since the commencement of the Liquidation of CD and filed the Final Report as per Regulation 45 of the IBBI (Liquidation Process Regulations) 2016.
- g. The Applicant has paid all the outstanding expenses related to CIRP of CD and Liquidation expenses and distributed the balance amount to the Stakeholders under Section 53 of IBC and closed the

Liquidation Account of CD and has prepared the Compliance Certificate in Form-H

- h. It is submitted that in the 6th meeting of SCC held on 31.01.2023, the Committee had deliberate discussion in relation to the manner of pursuing of Application before the Adjudicating Authority after the dissolution of CD, if any before the disposal of the Application. Accordingly, SCC with 57.1% votes (the balance 42.9% neither voted in favour or against but did not vote and absented itself from meeting) has passed the following two Resolutions:

- i. Resolved that consent of members be and is hereby accorded that SCC shall pursue the proceedings in respect of preferential transactions, undervalued transaction, extortionate credit transaction or fraudulent or wrongful trading, pending before the Adjudicating Authority and proceeds if any realized against that application shall be distributed among the creditors as per the provisions of Section 53 of the Code after the closure of the Liquidation Proceedings.*
- ii. Resolved that consent of members be and is hereby accorded to the liquidator to proceed with filing of the application before the Adjudicating Authority for dissolution of the CD along with the final report as per the provisions of the Code.*

- i. It is submitted that in view of the above submissions, there is nothing left in the CD to be dealt with by the Liquidator, except to seek for the dissolution of CD. Hence this application.
3. We have perused the contents of the application and heard the counsel appearing for the Liquidator. We are satisfied that the liquidation process is completed as per the procedure laid-down under IBC, 2016 and hence the dissolution as requested by the Liquidator is allowed and the Corporate Debtor shall stand dissolved.
4. In the Result, the Petition is allowed and Corporate Person shall stand dissolved from the date of this order. In exercise of the powers conferred on the Adjudicating Authority under Section 59 (7) of the Code, we hereby allow the Company Petition with the following directions:-
 - a. The Corporate Person, **M/S. SRK FOOD PRODUCTS PRIVATE LIMITED** is hereby dissolved, with immediate effect.
 - b. The Liquidator is directed to forward a copy of this order within a period of 14 days from the date of this order to the Registrar of Companies, Hyderabad, Telangana for making

appropriate remarks for the Corporate Person on MCA website and Insolvency & Bankruptcy Board of India.

- c. The Liquidator is also directed to forward copies of this order to all the Statutory Authorities connected with the affairs of the Corporate Person.
- d. The Liquidator is further directed to preserve a physical or electronic copy of reports, registers, books of accounts referred to in Regulation 8 and 10 for at least 8 years after the dissolution of the Corporate Person, either with himself or with the information utility.
5. Accordingly, this **I.A. No. 346 of 2023 in C.P. (IB) No. 354/9/HDB/2019** is allowed and disposed of.

Sd/-

**(CHARAN SINGH)
MEMBER (TECHNICAL)**

Sd/-

**(JUSTICE TELAPROLU RAJANI)
MEMBER (JUDICIAL)**