



NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT-II)

(IB)-79(ND)2021

IN THE MATTER OF:

Mansfield Cable Company Limited

Having registered office at :
BF-5A, 2nd Floor,
Janakpuri Jail Road,
New Delhi – 110058

Through Interim Resolution Professional

Mr. Vinod Kumar Chaurasia
B-022, Pragati Vihar Hostel,
Lodhi Road, New Delhi - 110003

... Applicant/Operational Creditor

VERSUS

Mansfield Cables Company & Infrastructure Private Limited

Through its Directors/Authorized Representatives
208, Friends Chambers S-511,
School Block, Shakarpur,
Vikas Marg, Delhi - 110092

... Respondent

Section: 9 of the IBC, 2016

Order Delivered on : 13.01.2023

CORAM:

SH. ASHOK KUMAR BHARDWAJ, HON'BLE MEMBER (J)

SH. L. N. GUPTA, HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Sr. Adv. Bijender Chahar, Adv. Vinod Chaurasia

For the Respondent : None.

(IB)-79/(ND)/2021

Mansfield Cable Company Ltd. (through IRP) Vs. Mansfield Cables Company & Infrastructure Pvt. Ltd.



ORDER

PER: SHRI L. N. GUPTA, MEMBER (T)

M/s. Mansfield Cable Company Limited, through its Interim Resolution Professional (for brevity, the **'Applicant/Operational Creditor'**), has filed the present petition under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for brevity, the **'IBC, 2016'**) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 with a prayer to initiate the Corporate Insolvency Resolution Process against M/s. Mansfield Cables Company & Infrastructure Private Limited (for brevity, the **'Respondent'**).

2. The Respondent namely, M/s. Mansfield Cables Company & Infrastructure Private Limited is a Company incorporated on 13.05.2010 with CIN U45200DL2010PTC202603 under the provisions of the erstwhile Companies Act, 1956 having its registered Office at 208, Friends Chambers S-511, School Block, Shakarpur, Vikas Marg, Delhi - 110092, which is within the territorial jurisdiction of this Bench. The Authorized Share Capital of the Respondent is Rs.15,00,000/- and Paid-up Share Capital is Rs.11,00,000/-, as per the Master Data of the Respondent.



3. It is stated that the Applicant Company was admitted into CIRP by the NCLT, Bench-IV, New Delhi on 15th May, 2018 in the petition bearing no. CP.(IB)-275/(ND)/2018 titled as “Khandelwal Busar Industries vs. Mansfield Cable Company Ltd.” Subsequently, the order dated 15.05.2018 was set aside by the Hon’ble NCLAT vide its order dated 08.03.2019 passed in the Company Appeal (Insolvency) No. 270 of 2018 and the affairs of the Applicant Company was restored to its original management w.e.f. 08.03.2019. Later, the CIRP against the Applicant Company is again initiated by NCLT, Court-IV vide order dated 27.05.2022 passed in the matter of “M/s. Arun Enterprises Vs. M/s. Mansfield Cables Company Limited”.

4. It is also stated by the Applicant that it is engaged in the business of manufacturing and sale of steel cables. The Applicant Company, as per the work orders placed to it, had supplied certain products to the Respondent, for which it had raised five invoices (bearing Nos. 0136, 0137, 0138, 0139 & 0140; dated 05.11.2016 for an amount of Rs.20,18,756/-, Rs.27,21,655/-, Rs.19,48,684/-, Rs. 10,10,819/- & Rs.8,18,746/- respectively. Hence, the total outstanding amount comes to Rs.85,18,660/-, which the Respondent was liable to pay along with an interest @18 % Per Annum. The Applicant has also deposited the VAT & Excise duty on the said invoices during the relevant period and is entitled to recover the same from the Respondent.



5. It is submitted by the Applicant that the Respondent had also issued the Confirmation of Accounts dated 01,04.2017, thereby confirming the balance of the above referred invoices.

6. The particulars of the Operational Debt claimed and date of default are mentioned in Column II of Part IV of the application, which is reproduced below, for the sake of convenience:

2.	Amount Claimed to be in default and the date on which the default occurred.	Rs. 1,28,75,079 (Rupees Once Crore Twenty Eight Lakhs Seventy Five Thousand And Seventy Nine Rupees Only) as on 07.09.2019 The default occurred first on 01-04-2017, when the Corporate Debtor had issued the Confirmation accounts dated 01-04-2017 to the Operational creditor thereby confirming the outstanding amount against the invoices, That since then, the Corporate Debtor has failed to discharge its debts, even in a partial manner.
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7. Thus, as per Part IV of the Application, the Applicant has claimed an amount of Rs.1,28,75,079/- as unpaid operational Debt including interest and relied on 01.04.2017 as the date of default.

8. It is stated by the Applicant that the Demand Notice dated 18.10.2019 issued under Section 8 of IBC 2016 at the registered office of the Respondent was delivered to the Respondent on 19.10.2019. The



Applicant has further added that it did not receive reply to the demand notice, which is also averred by the Applicant in its Affidavit filed under Section 9(3)(b) of IBC, 2016.

9. On issuance of the notice, the Respondent neither appeared nor filed its reply and, therefore, it was proceeded ex-parte vide order dated 26.04.2022 of this Adjudicating Authority.

10. We have heard the Ld. Counsel for the Applicant and perused the documents placed on record. It is seen from the record that the date of default relied in the present application is 01.04.2017 and the present application has been filed on 15.12.2020, which is well within the limitation period after considering the directions by the Hon'ble Supreme Court regarding the extension of limitation issued in the Suo Motu Writ Petition (C) No. 3 of 2020.

11. During the course of hearing on 12.12.2022, one Mr. Amandeep Mehta appeared on behalf of the Respondent. However, neither his vakalatnama was on record nor any application of the respondent for setting aside the ex-parte order was before us.

12. Since there has been no representation on behalf of the Respondent and it has been proceeded ex-parte, it is presumed that it has nothing to say in the matter.

13. In the given facts and circumstances, the Operational Creditor has established the default on the part of Corporate Debtor in



payments of the operational debt, the amount of which is higher than the minimum threshold prescribed under the IBC 2016. The present petition filed under Section 9 is complete and fulfills all the requirements of law. **Therefore, the petition is admitted in terms of Section 9(5) of the IBC. Accordingly, the CIRP is initiated and moratorium is declared in terms of Section 14 of the Code.** As a necessary consequence of the moratorium in terms of Section 14(1) (a), (b), (c) & (d), the following prohibitions are imposed, which must be followed by all and sundry:

- “(a) The institution of suits or continuation of pending suits or proceedings against the corporate debtor 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 corporate debtor 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 corporate debtor in respect 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 corporate debtor.”

14. Since there is no IRP proposed by the Operational Creditor, therefore, this Bench appoints Mr. Vikram Bajaj having IBBI



Registration No. IBBI/IPA-002/IP-N0003/2016-2017/10003 and Email ID: bajaj.vikram@gmail.com and Mob. No. 9999989408 from the panel of IPs recommended by IBBI to this Adjudicating Authority, subject to the condition that there is no disciplinary proceeding pending against the said IRP. The Adjudicating Authority further orders that :

“Mr. Vikram Bajaj, IRP (Email ID: bajaj.vikram@gmail.com) having registration no. IBBI/IPA-002/IP-N0003/2016-2017/10003 is directed to take charge of the CIRP of the Respondent with immediate effect. Further, the IRP is directed to take steps under Section 15, 17, 18, 20 and 21 of the IBC, 2016.”

15. The Operational Creditor is directed to deposit Rs.2,00,000/- (Two Lakh) only with the IRP to meet the immediate expenses. The amount, however, will be subject to adjustment by the Committee of Creditors as accounted for by the Interim Resolution Professional and shall be paid back to the Operational Creditor.

16. A copy of this Order shall immediately be communicated to the Operational Creditor, the Respondent and the IRP mentioned above, by the Court/Registry of this Tribunal. In addition, a copy of the Order shall also be forwarded by the Court Officer/Registry to IBBI for their records.

Sd/-
(L. N. GUPTA)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)