

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH**



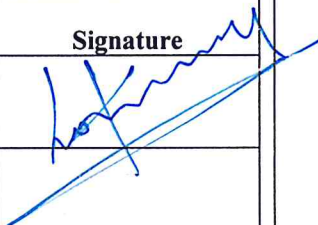
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**PRESENT: HON'BLE SHRI RATAKONDA MURALI- MEMBER JUDICIAL
HON'BLE SHRI NARENDER KUMAR BHOLA- MEMBER TECHNICAL**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 09.01.2020 AT 10.30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CP(IB) No. 737/9/HDB/2019
NAME OF THE COMPANY	Amillionn Technologies Pvt Ltd
NAME OF THE PETITIONER(S)	RajKumar Brothers & Production Pvt Ltd
NAME OF THE RESPONDENT(S)	Amillionn Technologies Pvt Ltd
UNDER SECTION	9 of IBC

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature
		9700804008	

Counsel for Respondent(s):


Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

ORDER

The petition is admitted. Orders pronounced vide separate order.


Member (T)

Karim


Member (J)

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

CP (IB) No. 737/9/HDB/2019
U/s 9 of IBC, 2016
R/w Rule 6 of I & B (AAA) Rules, 2016

In the matter of

M/s. Rajkumar Brothers and Production Private Limited,
Registered office at Arazi No. 242,
Bharlai Shivpur, Varanasi-221001,
Uttar Pradesh, India.
Represented by its director Mr. Varun Pratap Singh.

...Applicant/
Operational Creditor

VERSUS

M/s. Amillionn Technologies Private Limited,
Registered office at B1,
Manjeera Residency,
Huda Heights, Ashwini Layout,
Jubilee Hills, Hyderabad -500033, Telangana, India.

...Corporate Debtor/
Respondent

Date of order: 09.01.2020

Coram:

Hon'ble Shri Ratakonda Murali, Member (Judicial)

Hon'ble Shri Narender Kumar Bhola, Member(Technical)

Parties / counsels present:

For the Petitioner : Shri Lokesh Agarwal, PCS.

Heard on: 03.01.2020.





Per: Hon'ble Shri Narender Kumar Bhola, Member (Technical)

ORDER

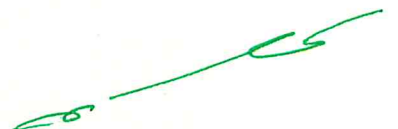
1. The present Petition is filed by M/S. Raj Kumar Brothers and Production Private Limited (Operational Creditor) stating that M/S. Amillionn Technologies Private Limited (Corporate Debtor) had defaulted in paying Rs. 2,30,62,247.90/- (Rupees Two Crore Thirty Lakhs Sixty Two Thousand Two Hundred Forty Seven point Ninety only). Hence this petition is filed under Section 9 of Insolvency and Bankruptcy Code, 2016, R/w Rule 6 of Insolvency & Bankruptcy (Application to the Adjudicating Authority) Rules, 2016, seeking admission of the Petition, initiation of Corporate Insolvency Resolution Process, granting moratorium and appointment of Interim Resolution Professional as prescribed under the Code and Rules thereon.
2. The brief averments stated in the Petition are that:
 - a. The Applicant Company / Operational Creditor i.e. Rajkumar Brothers and Production Private Limited, is a company duly incorporated on 8th September, 2016 under the Companies Act, 2013. The Operational Creditor is engaged in the business of construction, maintenance, erection, installation civil nature etc.
 - b. The Respondent Company / Corporate Debtor i.e. Amillionn Technologies Private Limited is a Company registered under the Companies Act, 1956, on 01st March, 2011. The Corporate Debtor is engaged in the

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business of information technologies offers state-of-the-art comprehensive System Integrator, ICT Solutions in the domain of e-Governance solutions, SmartCity Solutions addressing the connectivity, coverage and capacity challenges of public and private networks.

- c. It is averred that the operational creditor has supplied goods and services to the corporate debtor from July 2016 till the first week of November, 2016 based on the Master Services Agreement entered into and executed between Revenue, Registration & Land Records Department, Government of Jharkhand (GOJ) and Jharkhand Agency for promotion of Information Technology (JAP-IT) and Tera Software Limited (Prime Bidder) and Amillion Technologies Private Limited (Consortium Member).
- d. It is averred that reporting trust and good faith on the Corporate Debtor the Promoters and Directors of the Operational Creditor had a meeting on 13th July, 2016 with the Directors and Officials of the corporate debtor and immediately started working on the project and exchanged the emails between the corporate debtor and the promoters and Directors of the operational creditor dated 17.07.2016 to 20.07.2016 evidencing the commencement of work which is attached herewith and marked as **Annexure 5**.
- e. Further, the Promoters and Directors of the Operational Creditor, from time to time requested the Corporate Debtor to enter into an agreement and issue the Work / Purchase Order as was discussed in the meeting held on 13th July, 2016. However, the Corporate Debtor every time used to avoid entering into an Agreement and issuing the Work Order just by






- i. It is averred that operational creditor had sent an email on 30.09.2016 referring to the meeting held at Hyderabad dated 13.07.2016 with corporate debtor and showing concern about not receiving the signed work order from the corporate debtor since 78 days. However, corporate debtor in reply to the email sent by the operational creditor on 30.09.2016 as a formality sent the signed work order to the operational creditor on 06.10.2016 which was back dated as 06.09.2016.
- j. It is averred that the work order dated 06.09.2016 was sent by corporate debtor is only to defraud the operational creditor because of the fact that the work order dated 06.09.2016 was served on 06.10.2016 with a termination date as on 08.10.2016 and the fact that the operational creditor was not even existing as on the date of the work order.
- k. It is averred that as on 30th September, 2016 approximately 90% of work of the Ramgarh and Khunti sites was completed and approx. 65% to 70% of other 8 locations was also completed and also acknowledged and accepted by the project manager of the corporate debtor in its review report. The copy of the review report is attached herewith to the application is Annexure-8.
1. It is averred that Corporate Debtor never raised any issue regarding deficiency in work or material but in fact appreciated the Operational Creditor for their workmanship and motivated to complete the project site of Ramgarh and Khunti by 2nd October, 2016. A copy of trailing email is attached herewith and marked as **Annexure 9**. Further, corporate debtor sent an email dated 17th November, 2016, to the operational

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from the Government of Jharkhand and when the Operational Creditor requested the Corporate Debtor for clearing the outstanding dues of the Operational Creditor, the Corporate Debtor avoided the calls of the Operational Creditor and even blocked the phone numbers of the Operational Creditor. The Operational Creditor having left with no other option got issued a Demand Notice to the Corporate Debtor under section 8 of the IBC read with relevant rules made thereunder demanding payment of outstanding dues from the Corporate Debtor. A copy of the demand notice is attached herewith and marked as **Annexure 14**.

- q. It is averred that a reply was given to the demand notice by denying the liability on frivolous allegation regarding non-adherence of work order. A copy of the reply to the demand notice is attached herewith and marked as **Annexure 15**.
 - r. In view of the above submissions, it is averred that the Tribunal may be pleased to pass orders admitting the application filed by the Operational Creditor by initiating the Corporate Insolvency Resolution Process in the matter of the Corporate Debtor.
3. We have heard the PCS for operational creditor. This Petition is filed by operational creditor under section 9 of I&B Code. Operational creditor filed Form-5 and furnished the information with regard to the operational debt which is committed default by corporate debtor.
4. The notice was served on the corporate debtor. Postal track record is filed through Memo. PCS contended that corporate debtor has not replied or failed to defend. The claim is within limitation. There is no representation or reply by the Corporate Debtor. Corporate debtor was served with notice





before admission. However, corporate debtor remained absent and it did not contest the claim.

5. In view of the above we are of the considered view that the operational creditor has been able to establish un disputed operational debt against corporate debtor and the corporate debtor has been in default with regard to the payment of dues to the operational creditor amounting to Rs.2,30,62,247.90/- . The Operational creditor is able to establish through documents that corporate debtor committed default of operational debt and there is no pre-existing dispute. Thus, this Petition is complete and is liable to be admitted.
6. Hence, the Adjudicating Authority admits this Petition under Section 9 of IBC, 2016, declaring moratorium for the purposes referred to in Section 14 of the Code, with following directions:-
 - (a) The Bench hereby prohibits 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; Transferring , encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Debtor in respect of its property including any action under Securitization and Reconstruction of Financial Assets and Enforcement of Security interest Act, 2002 (54 of 2002); the recovery of any property by an owner or lessor where such property is occupied by or in possession of the corporate Debtor;
 - (b) That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be

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terminated or suspended or interrupted during moratorium period.

- (c) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- (d) That the order of moratorium shall have effect from 09.01.2020 till the completion of the Corporate Insolvency Resolution Process or until this Bench approves the Resolution Plan under Sub-Section (1) of Section 31 or passes an order for liquidation of Corporate Debtor under Section 33, whichever is earlier.
- (e) That the public announcement of the initiation of Corporate Insolvency Resolution Process shall be made immediately as prescribed under section 13 of Insolvency and Bankruptcy Code, 2016.
- (f) That this Bench hereby appoints Shri Swami Deen Gupta, R/o 2/64, Vishesh Khand, Gomti Nagar, Lucknow-226010, IBBI Registration No. IBBI/IPA-003/IP-N000132/2017-2018/11458 as Interim Resolution Professional to carry the functions as mentioned under the Insolvency & Bankruptcy Code.
- (g) Registry to send a copy of this order to the Registrar of Companies, Hyderabad for appropriately changing the status of Corporate Debtor herein on the MCA-21 site of Ministry of Corporate Affairs.
- (h) Accordingly, this Petition is admitted.


NARENDER KUMAR BHOLA
MEMBER (TECHNICAL)


RATAKONDA MURALI
MEMBER (JUDICIAL)