IN THE NATIONAL COMPANY LAW TRIBUNAL, DIVISION BENCH – I, CHENNAI

IA(IBC)/2334(CHE)/2023 in IBA/911/2019

(Filed under Regulation 45(3) of the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016)

IN THE MATTER OF:

Ajay S Jain,
Liquidator of **Shriram SEPL Composites Private Limited**
Flat-10G, 10th Floor, Bhavya Block,
Sri Mahalakshmi Utsav Apt,
339, KH Road, Ayanavaram,
Chennai – 600 023

… Applicant

Order Pronounced on ***01st March 2024***

CORAM

SANJIV JAIN, MEMBER (JUDICIAL)
VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

Present:

For Applicant : Ms.Jayanthi K Shah, Advocate

O R D E R

(Heard through video conferencing)

This Application has been filed by the Liquidator of the Corporate Debtor viz. ***SHRIRAM SEPL COMPOSITES PRIVATE LIMITED*** under Regulation 45(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 read with Section 60(5) of IBC, 2016 seeking relief as follows;

a. *For Noting –Closure Report*

b. *Order closure of Liquidation Process of Shriram SEPL Composites Pvt Ltd and relieve the Applicant Liquidator from his office;*

c. *Hon'ble NCLT may please grant the applicant such further relief which this Hon'ble Tribunal may deem fit and proper in the circumstances of this case and in the interest of the Applicant.*

2. It is stated that the Corporate Insolvency Resolution Process in respect of the Corporate Debtor viz. Shriram SEPL Composites Private Limited was initiated by this Tribunal vide order dated 23.12.2020 and one Mr. Perumal Ulaganathan was appointed as the 'Interim Resolution Professional'. Thereafter, the Applicant was appointed as Resolution Professional (RP) vide order dated 05.03.2021 in IA/126/CHE/2021.

3. It is stated that during the CIRP of the Corporate Debtor, no resolution plan was received and hence, the Resolution Professional filed an application bearing no. IA/287/CHE/2022 under Section 33 of IBC, 2016 seeking Liquidation of the Corporate Debtor. In pursuance of the same, this Tribunal vide order dated 28.04.2022 ordered for liquidation of the Corporate Debtor and appointed the Applicant herein as the Liquidator.

4. It is stated that the Applicant published the Sale Notice for sale as a going concern of the Corporate Debtor on 10.08.2022 and issued e-auction process information document. The e-auction was held on 26.08.2022.

5. It is stated that one bidder participated and paid the EMD. Further, letter of intent was issued by the Liquidator. The balance consideration was also paid by the successful bidder. It is stated that the successful bidder has provided the proposed acquisition structure as well as shareholding patterns which would come into force after completion of sale. Further Affidavit and undertaking as required for establishing the fact that the successful bidder is not ineligible as per section 29A of the code have been furnished.

6. It is stated that the Applicant filed an application bearing IA/397/2023 and IA/335/2023 seeking approval of sale as a going concern dated 26.08.2022 along with certain reliefs and concessions and the same were allowed by this Tribunal vide Order dated 12.10.2023.

7. The Liquidator has also filed Form H on record, wherein Fair Market Value of the Corporate Debtor is disclosed as Rs.59,87,777 and Liquidation value as Rs.59,87,777.

8. It is stated that on receipt of the entire sale consideration, he distributed the sale proceeds to the stakeholders in accordance with the Scheme stipulated in Section 53 of the Insolvency and Bankruptcy Code, 2016. The schedule of Distribution to the stakeholders as filed by Ld. Liquidator on record is reproduced as under:

4. (a) Liquidation value of the liquidation estate:
   (b) Amount realised from sale of liquidation estate:54,00,000
   (c) The amounts distributed to stakeholders as per section 52 or 53 of Code are as under:

(Amount in Rs. lakh)

Sl. no	Stakeholders* under section 53 (1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed (%)	Remarks
-1	-2	-3	-4	-5	-6	-7
1	(a): CIRP Costs	14.24	14.24	14.24	100.00	
2	(a): Liquidation Costs	15.92	15.92	15.92	100.00	
3	(b)(i)	-	-	-	-	
4	(b)(ii)	2,353.68	2,353.68	48.31	2.05	
5	(c)	-	-	-	-	
6	(d)	781.15	781.15	-	-	
7	(e)(i)	180.21	180.21	-	-	
8	(e) (ii)	-	-	-	-	
9	(f)	785.35	785.35	-	-	
10	(g)	-	-	-	-	
11	(h)	-	-	-		
Total		4,127.54	4,126.54	73.47	1.78	

*If there are sub-categories in a category, please add rows for each sub-category.

9. The Liquidator's Receipts and Payments Account for the Period from 28.04.2022 to 31.12.2023 are appended as 'Page Nos. 45 to 47 of the Additional Document vide S.R.No.982 dated 26.02.2024.

10. It is stated in terms of Regulation 45 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, *"The liquidator has to submit an application along with the final report and the compliance certificate in Form H to the Adjudicating Authority for (a) closure of the liquidation process of the corporate debtor where the corporate debtor is sold as a going concern".* Accordingly, the Applicant/Liquidator has filed the present Application seeking directions before this Tribunal for closure of the liquidation process of the Corporate Debtor which has been sold as a Going-concern.

11. We have heard the submissions of the Ld. Liquidator and gone through the documents placed on record.

12. The Liquidator has submitted Final Report as per Regulation 45 of the IBBI (Liquidation Process) Regulations, 2016 on 30.10.2023, which is appended as Additional Document vide S.R.No.982 dated 26.02.2024 and Form H i.e., Compliance Certificate under Regulation 45(3) of the

IBBI (Liquidation Process) Regulations, 2016 dated 30.10.2023, which is appended as Additional Document vide S.R.No.982 dated 26.02.2024.

13. In view of the aforesaid facts and circumstances, we allow the closure of the Liquidation Process of the Corporate Debtor.

14. The Liquidator shall stand discharged from its responsibilities, subject to procedural compliances. The Liquidator shall handover all the books and files of the Corporate Debtor, after retaining copies of the same for future requirement, if any.

15. IA(IBC)2334(CHE)/2023 stands **disposed of** accordingly.

16. The Registry is directed to email copies of the order forthwith to the Applicant, the Registrar of Companies, concerned, and also to IBBI for information.

17. Certified Copy of this order may be issued, if applied for, upon compliance of all requisite formalities.

-Sd-	**-Sd-**
VENKATARAMAN SUBRAMANIAM	**SANJIV JAIN**
MEMBER (TECHNICAL)	MEMBER (JUDICIAL)

SriramAnanth.V