

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

SPECIAL BENCH

COURT-VI

**Item No. 104
IB-558/ND/2019**

**IN THE MATTER OF:
Punjab National Bank**

...PETITIONER

Vs.

Rathi Ispat Ltd.

...RESPONDENT

**Section
Under Section 7 of IBC**

**Order delivered on 26.08.2020
(Virtual Hearing)**

**Coram:
SHRI P.S.N. PRASAD, HON'BLE MEMBER (JUDICIAL)
DR. V.K. SUBBURAJ, HON'BLE MEMBER (TECHNICAL)**

**For the Resolution Professional/Applicant :Mr. Abhishek Parmar,
Advocate**
For the Respondent/Corporate Debtor :

ORDER

IA No. 3173 of 2020

(4) Agenda item No. 4 of the meeting of CoC is to discuss upon initiating the liquidation process against the corporate debtor. It transpires that operations of the corporate debtor were some years back and as there is no plant and machinery physically present at the factory premises of the corporate debtor. Possibility of running the business as a going concern is not there and will lead to all increase in cost of CIRP Process. The Chairman(acting Resolution Professional) has apprised the Members of the CoC that he visited in the factory of the corporate debtor and report stated to have been reported

(Annu)

that no plant and machinery is present and only land is there. So running business as a going concern is not at all possible and in these circumstances receiving a viable resolution plan is very much optimistic approach. Further the covid-19 has made everything uncertain.

Initiation of the liquidation process of the corporate debtor i.e. Rathi Ispat Ltd. under going the CIRP Process vide order dated 17th December, 2019 passed by NCLT, New Delhi Bench was approved. Further the counsel for the RP has submitted that CoC has resolved to appoint the Mr. D. Nanda to act as liquidator.

Having heard the submissions made by the counsel and perused the contents of the application the Tribunal confirms the appoint of Mr. D. Nanda as liquidator and the proposal to liquidate as resolved by CoC is approved by the Tribunal. Let the public notice regarding liquidation and other steps, as per law may be taken by the liquidator within time frame prescribed under the Act.

The Committee of Creditors are directed to decide the fee in accordance with the provision of law in force. The liquidator may therefore place this Tribunal's order in the matter before the CoC for fixing the fee of the liquidator as per in force, and appraise the Tribunal on 31.08.2020. Post the matter on 31st August, 2020.

- Sd -

(V.K. Subburaj)
Member (T)

- Sd -

(P.S.N. Prasad)
Member (J)