

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
CUTTACK BENCH  
CUTTACK**

**IA. (IB) No. 106/CB/2023**

**In**

**CP (IB) No. 23/CTB/2022**

*In the Matter of:*

Application Under Section 33 & 34 of the Insolvency and Bankruptcy Code (“IBC”), 2016 for an order of liquidation against the Corporate Debtor;

**-And-**

*In the Matter of:*

**Way Automotives Pvt. Ltd.**

**... Corporate Debtor**

*In the Matter of:*

**Mr. Ardhendu Shekhar Raut**, Resolution Professional of corporate debtor i.e., **way Automotives Pvt. Ltd.** having his office at Plot No. N/3, Lane – 2, SBI Colony, Soubhagya Nagar, Siripur, Bhubaneswar, Odisha – 751 003, Email-[ipasraut@gmail.com](mailto:ipasraut@gmail.com)

**...Applicant**

*Appearances*

For the Applicant

Mr. Saswat Kumar Acharya, Adv.

**Order reserved on: 10.04.2023**

**Order pronounced on: 18.04.2023**

Coram:

Shri P. Mohan Raj

Member (Judicial)

Shri Satya Ranjan Prasad

Member (Technical)

**ORDER**

*Per P. Mohan Raj, Member, (Judicial)*

1. The present Application has been filed by **Mr. Ardhendu Shekhar Raut**, Resolution Professional of corporate debtor **way Automotives Pvt. Ltd.** The Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor under Section 10 IBC,2016 was admitted by this Adjudicating Authority on 06.06.2022. **Mr. Ardhendu Shekhar Raut** was appointed as an interim resolution professional, subsequently, the applicant was appointed as Resolution Professional in the first CoC meeting held on 05.07.2022. The Applicant called for

the 2<sup>nd</sup> CoC meeting and the Applicant has been confirmed as the Resolution Professional. On 06.08.2022 information memorandum was circulated by the Applicant amongst the CoC members. On 17.08.2022 the Applicant called for 3<sup>rd</sup> CoC meeting and process documents of Expression of Interest (“EOI”) and draft FORM G was approved in the meeting. The said FORM G was published in 2 newspaper and was also published in the website of Insolvency and Bankruptcy Broad of India (“IBBI”). On the basis of said publications 3 EoI’s were received by the Applicant. Thereafter, during the 4<sup>th</sup> CoC meeting held on 15.09.2022 wherein Request for Resolution Plan (“**RFRP**”) and Evaluation Matrix was approved. Also, the provisional and final list of prospective resolution applicants was also circulated among the CoC members.

2. The last date for submission of the Resolution Plan was 19.10.2022, since no resolution plan was received by the Applicant the Applicant convened 5<sup>th</sup> CoC meeting on 25.11.2022. However, the meeting could not be convened since the one member of the CoC was not present and also after repeated requests made by the Applicant the meeting could not be held due to the lack of quorum. Thereafter, this Adjudicating Authority on 24.01.2023 directed the Applicant to convene the CoC in order to decide on further course of action in the present matter.

3. The Applicant convened the 6<sup>th</sup> CoC meeting on 31.01.2023 and there it was resolved with 100% voting to initiate liquidation process against the Corporate Debtor. It was also resolved that the Applicant shall act as Liquidator in the present case subject to passing of Liquidation order against this Corporate Debtor by this Adjudicating Authority. The Applicant also given Written Consent to act as the liquidator.

4. The Corporate Debtor is liable to be liquidated since no plan has been received within resolution process period as mandated under Section 31 (1) (a) of the Code. The CoC also in its 6<sup>th</sup> meeting dated 30.01.2023 has resolved to liquidate the Corporate Debtor as no prospective Resolution Applicant has submitted their Resolution Plan. Under these circumstances, the Applicant prayer is conceded and the corporate debtor is ordered to be liquidated.

5. The applicant **Mr. Ardhendu Shekhar Raut**, Resolution Professional of corporate debtor, **Way Automotives Pvt. Ltd**, having his Registration No: IBBI/IPA-002/IP-N00024/2016-2017/10051 and office at: N/3, Lane – 2, SBI Colony, Soubhagya Nagar, Siripur, Bhubaneswar, Odisha – 751 003, is appointed as a liquidator as provided under Section 34 (1) of IBC,2016.

6. The Liquidator is directed to forthwith take into his custody all the assets, Properties, and actionable claims of the corporate debtor and take necessary steps to ensure preservation, protection security and maintenance of those properties as provided under section 35(1)(b) & (d) of IBC 2016.

7. The Liquidator is directed to adhere to Section 33(1) (ii) & (iii) and discharge his powers and duties as specified under Section 35 to 41 of IBC,2016 and meticulously adhere to the Rules and Regulations issued by IBBI in this regard from time to time.

8. Public Notice as contemplated under section 33(1) of the Code shall be issued in one morning, English daily and in one morning regional language newspapers.

9. The Liquidator is directed to adhere to Section 33(1) (ii) & (iii) and discharge his powers and duties as specified under Section 35 to 41 of IBC,2016 and meticulously adhere to the Rules and Regulations issued by IBBI in this regard from time to time.

10. All the powers of the Board of Directors of the Corporate Debtor and of its key managerial personnel, shall cease to exist in accordance with section 34(2) of the Code. These powers shall henceforth vest in the Liquidator. The personnel of the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as may be required by him in the Liquidation process of the Corporate Debtor.

11. On initiation of the Liquidation process but subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor, save and except the liberty to the liquidator to institute a suit or

other legal proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority, as provided in section 33(5) of the Code read with its proviso.

12. In accordance with section 33(7) of the Code, this liquidation order shall be deemed to be a notice of discharge to the officers, employees and work men of the Corporate Debtor, except to the extent of the business of the Corporate Debtor continued during the liquidation process by the liquidator.

13. In terms of Section 33(1) (b) (iii), the Liquidator shall file a copy of this Order with the Registrar of Companies, Odisha within whose jurisdiction the corporate debtor is registered.

14. The fee of Liquidator to be determined as provided under Regulation 4 of Insolvency and Bankruptcy Board of India (Liquidation process) Regulation 2016.

15. As per Regulation 13 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulation, 2016, the liquidator shall submit a preliminary report to the Adjudicating Authority within 75 days from the liquidation commencement date providing various details/information as mentioned in the said regulation.

16. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps,

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

SATYARANJAN PRASAD Digitally signed by SATYARANJAN PRASAD  
Date: 2023.04.18 17:10:25 +05'30'

**Satya Ranjan Prasad**  
**Member (Technical)**

PANDIAN MOHAN Digitally signed by PANDIAN  
MOHAN RAJ  
Date: 2023.04.18 16:29:28 +05'30'  
RAJ

**P. Mohan Raj**  
**Member (Judicial)**

Signed on this 18<sup>th</sup> day of April, 2023.

Kaushal P.S