



IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH

[Through Physical hearing/VC Mode (Hybrid)]

ITEM No.1

C.P. (IB) No.161/BB/2024

IN THE MATTER OF:

Biotechnology Industry Research Assistance Council	...	Petitioner
Vs.		
Avesthagen Ltd.	...	Respondent

Petition under Section 7 of I & B Code, 2016

Order delivered on: 06.02.2026

CORAM:

**SHRI SUNIL KUMAR AGGARWAL
HON'BLE MEMBER (JUDICIAL)**

**SHRI RADHAKRISHNA SREEPADA
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Petitioner	:	Shri Manoj Kumar Mishra
For the Corporate Debtors'	:	Shri Yohaann Limathwalla with Shri Ahsan Allana

ORDER

1. Heard Ld. Counsels for the parties.
2. Ld. Counsel for respondent contended that the matter is deep in for settlement as the exchange of E-mails shall reflect. It is only because the Petitioner cannot on its own, take a decision on the settlement amount and the matter has to go to the Ministry, that more time is required. Ld. Counsel for Petitioner on the other hand pointed out to the previous docket orders to stress that over time similar arguments are raised while there is nothing on the ground. Self serving e-mails of respondent cannot be made the ground to stall these proceedings.
3. Since the parties are diametrically opposite regarding the settlement of matter, which position did not change even on keeping the matter at the end of Board and we having already heard on admission, the respondent **is admitted to CIRP vide separate order** and moratorium is declared.
4. List on **06.04.2026** for reports of IRP.

-Sd-

**RADHAKRISHNA SREEPADA
MEMBER (TECHNICAL)**

PS

-Sd-

**SUNIL KUMAR AGGARWAL
MEMBER (JUDICIAL)**



IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH

*(Exercising powers of Adjudicating Authority under
The Insolvency and Bankruptcy Code, 2016)*

CP (IB) No.161/BB/2024

*(Application u/s. 7 of the Insolvency and Bankruptcy Code, 2016
read with Rule 4 of the Insolvency and Bankruptcy
(Application to Adjudicating Authority) Rules, 2016.)*

IN THE MATTER OF:

**BIOTECHNOLOGY INDUSTRY RESEARCH
ASSISTANCE COUNCIL**

Fifth Floor, NSIC Business Park
NSIC Bhawan, Okhla
Industrial Estate, New Delhi- 110020.

.... Financial Creditor

Versus

AVESTHAGEN LIMITED

We Work Pavilion, 62/63,
The Pavilion, Church Street,
Bengaluru, Karnataka- 560001.

... Corporate Debtor

Order delivered on: 06.02.2026

CORAM: 1.Hon'ble Shri Sunil Kumar Aggarwal, Member (Judicial)
2. Hon'ble Shri Radhakrishna Sreepada, Member (Technical)

ORDER

1. The present Petition was filed on 05.02.2024 under section 7 of the Insolvency and Bankruptcy Code, 2016 (for brevity 'IBC'/Code) read with Rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules 2016 by **Biotechnology Industry Research Assistance Council** (hereinafter referred as the '*Petitioner/Financial Creditor*') seeking to initiate Corporate Insolvency Resolution Process in respect of **Avesthagen Limited** (hereinafter referred as '*Corporate Debtor/Respondent*') on the ground that the Corporate Debtor has committed a default for a total outstanding amount of Rs. 4,77,04,159.35/- (Rupees Four Crores Seventy Seven Lakhs Four Thousand One Hundred Fifty Nine and Paise Thirty Five



Only) as on 31.03.2023 with further interest accruing. The date of default as per the project has been given below:

Sr. No.	Project	Date of Default
1.	BIPP Project BT/BIPP/0021/01/2008	08.09.2015
2.	1 st SBIRI Project BT/SBIRI/471/17-B9/2008	02.08.2020
3.	2 nd SBIRI Project BT/SBIRI/554/6-B11/2009	31.03.2016

2. Relevant facts of the case are as follows:

- i. Biotechnology Industry Research Assistance Council (*BIRAC*), is a Government of India enterprise, set up by Department of Biotechnology (*DBT*), Ministry of Science and Technology, Government of India. It was incorporated on 20.03.2012, under the Companies Act, 1956 as a 'not-for-profit' Section 8, Schedule B, Public Sector Enterprise, to foster and enhance the strategic research and innovation capabilities of the Indian Biotech Industry and to serve as DBT's interface agency for supporting Industry Academia interaction.
- ii. That the DBT operates, inter alia, the following schemes as given below:
 - a. Scheme entitled "*Biotechnology Industrial Partnership Programme*" (*BIPP*) having partnership with industries for public support on a cost sharing basis for path-breaking research and development of appropriate technologies in the field of biotechnology.
 - b. Scheme entitled "*Small Business Innovation Research Initiative*" (*SBIRI*) to support innovative pre-proof-of-concept research and late-stage development and commercialization of the innovation by small and medium business units.
- iii. The Corporate Debtor is a company limited by shares, duly incorporated on 20.04.1998, with CIN: U73100KA1998PLC030671 and engages in research and experimental development on Natural Sciences and Engineering. The Corporate Debtor had conceived numerous projects and had subsequently submitted proposals under SBIRI scheme & BIPP scheme with DBT for availing certain loans and/or grants-in-aid assistance.



- iv. Post approval of the Projects, DBT agreed to extend support in the form of loans for financing the said projects, subject to certain terms and conditions as agreed between the parties. Accordingly, DBT had sanctioned the following loans:
- a. Biotechnology Industrial Partnership Programme (BIPP Project - BT/BIPP/0021/01/2008), vide Sanction Order dated 03.08.2009, DBT accorded sanction for the implementation of Project by the Corporate Debtor entitled "*Development of self-glycogenic pearl millet adapted for marginal lands*", at the estimated Project cost of Rs. 300 Lakhs. For the same, a loan of Rs. 120 Lakhs was sanctioned in favour of the Corporate Debtor vide Sanction Order dated 03.08.2009, marked as **Exhibit F**. That DBT had released a loan amount of Rs. 81.40 Lakhs against the total sanctioned loan amount of Rs. 120.00 Lakhs.
 - b. Small Business Innovation Research Initiative (SBIRI Project- BT/SBIRI/471/17-B9/2008) vide Sanction Order dated 21.12.2009, DBT accorded sanction for the implementation of Project by the Corporate Debtor entitled "*Hepatocyte-like cells generated from human embryonic stem cells (hESC) for hepatotoxicity screening of Xenobiotics in the drug discovery process*" at the estimated Project cost of Rs.199 Lakhs. For which a loan of Rs.40 Lakhs was sanctioned in favour of the Corporate Debtor vide Sanction Order dated 21.12.2009, marked as **Exhibit M**. Further, DBT had released a loan amount of Rs.14 Lakhs against the total sanction loan amount of Rs. 40.00 Lakhs, by virtue of Release Order dated 21.12.2009, as enclosed in **Exhibit N**.
 - c. Small Business Innovation Research Initiative (2nd SBIRI Project - BT/SBIRI/554/6-B11/2009) Vide Sanction Order dated 10.09.2010, DBT accorded sanction for the implementation of Project by the Corporate Debtor entitled "*Scale-up and evaluation of high-value biosimilar product (Etanercept) aimed at providing cost-effective healthcare solutions to the emerging markets*" at the estimated Project cost of Rs. 900.00/- Lakhs. A loan of Rs.400 Lakhs was sanctioned for the same in favour of the Corporate Debtor by way of Sanction Order



dated 10.09.2010, marked as **Exhibit R**. That DBT had released a loan amount of Rs.230 Lakhs against the total sanction loan amount of Rs.400 Lakhs.

- v. In upshot of the aforesaid facts and circumstances, a sum of Rs.5,60,00,000/- (Rupees Five Crores Sixty Lakhs Only) was sanctioned as loan in favour of the Corporate Debtor, against which Rs. 3,25,40,000/- (Rupees Three Crores Twenty-Five Lakhs Forty Thousand Only) was released to the Respondent, as tabulated below:

Project	Loan (Sanction Amount in Lakhs)	Loan (Released Amount in Lakhs)
BIPP Project - BT/BIPP/0021/01/2008	120.00	81.40
1 ST SBIRI Project BT/SBIRI/471/17-B9/2008	40.00	14.00
2 ND Project- BT/SBIRI/554/6-B11/2009	400.00	230.00
Total	560.00	325.40

- vi. The total outstanding amount due from the Corporate Debtor in respect of all the BIPP & SBIRI Projects, after deducting the repayments made by Respondent as per the repayment schedule before default sums up to Rs.4,77,04,159.35/- as on 31.03.2023, as detailed below:

Sr. No.	Project	Total Outstanding (in INR)
1.	BIPP Project- BT/ BIPP/0021/01/2008	1,29,84,136.60
2.	1 st SBIRI Project- BT/SBIRI/471/17-B9/2008	5,65,584.66
3.	2 nd SBIRI Project-BT/SBIRI/554/6-B11/2009	3,41,54,438.09
1+2+3	Total Claim	4,77,04,159.35

- vii. The terms of the aforesaid schemes were governed by Original Agreements executed between DBT and the Corporate Debtor. In furtherance thereto, the entire scheme was transferred from DBT to the Petitioner, in pursuance to which, the Corporate Debtor had entered into a Supplementary Agreement with the Petitioner for substitution of the name of DBT appearing as party in the Original Agreements with the Petitioner.
- viii. Consequently, the Petitioner issued recall notice dated 21.08.2018 to the Corporate Debtor followed by the final demand notice dated 05.02.2020,



pursuant to which the Respondent proposed a repayment schedule on 24.03.2020, which was accepted by the Petitioner. However, post a wide stretch of more than 2 years, the Respondent has yet again failed to repay the dues owed to the Petitioner. Hence, this Application.

3. On 03.03.2025, the following order was passed:

“...The Petitioner’s Counsel stated that on 09.12.2024 the Respondent was granted two weeks’ time to file reply and also further opportunity was granted on 21.01.2025 to file reply. However, inspite of granting sufficient opportunities the Respondent has not filed his reply till date. In the circumstances, the Respondent is set as ex-parte.....”

4. Further, on the next date, the following order was passed:

“....The CIRP has been initiated under Section 9, IBC in C.P.(IB) No. 173/BB/2023, vide order dated 29.04.2025. The Petitioner can submit his claims before the IRP/RP, at the proper stage. As of now, the Petition become infructuous. Accordingly, disposed of. Of course, Petitioner is at liberty to approach the Authority again, in the event the afore-stated CIRP proceedings does not continue for any reason.....”

However, as the matter in C.P. (IB) No. 173/2023 was subsequently settled, Restoration Application No. 08/2025 came to be filed and was allowed vide order dated 08.08.2025. Pursuant to the restoration of the present petition, the Respondent was granted an opportunity of six weeks to file its reply vide order dated 08.08.2025. Despite availing the same, no reply has been filed. The Respondent has, on several occasions, submitted that the matter is actively under discussions for settlement but nothing concrete has happened nor the settlement materialised till date. The presentation today on behalf of the respondent that it is going to materialize on the Ministry giving its nod has been vehemently refuted by learned counsel for the Petitioner. Almost six months have already been consumed in this way in these time bound proceedings and it cannot wait endlessly.

5. We have heard the Learned Counsels for parties and carefully perused the materials on record.
6. The present Petition was filed on 05.02.2024. The Petitioner has disclosed three distinct dates of default in Form No. 1 in respect of three different projects, namely 08.09.2015, 31.03.2016 and 02.08.2020. The issue that arises for consideration is whether the present Petition is within the prescribed period of limitation. Taking the



earliest date of default, i.e. 08.09.2015, into account, it is observed that the Petitioner has placed on record the financial statements of the Corporate Debtor for the financial years 2015–16 to 2020–21, wherein the loan liability is consistently reflected in the balance sheets of the Corporate Debtor. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Dena Bank v. C. Shivakumar Reddy & Anr.*, (2021) 10 SCC 330, wherein it has been held that:

“It is well settled that entries in books of accounts and/or balance sheets of a Corporate Debtor would amount to an acknowledgment under Section 18 of the Limitation Act....

.....and held that an acknowledgement of liability that is made in a balance sheet can amount to an acknowledgement of debt.”

7. In the financial year 2017–18, the notes to the financial statements for the year ending 31.03.2018, placed at page no. 331, reflect long-term borrowings and unsecured term loans acknowledging a liability of INR 69,00,000. A similar acknowledgment is also appearing at page no. 343 in the notes to the balance sheet for FY 2018–19. The aforesaid disclosures constitute acknowledgments of debt by the Corporate Debtor within the meaning of Section 18 of the Limitation Act, thereby extending the period of limitation for a further period of three years, i.e. till 31.03.2022.
8. Further, it must be noted that the Hon'ble Supreme Court in MA 29 of 2022 in MA 665 of 2021 in **Suo Motu Writ Petition (C) No.3 of 2020**, has given directions regarding excluding limitation period, which are as under: -
 - i. *The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.*
 - ii. *Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.*
 - iii. *In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days, that longer period shall apply.*



This further extends the limitation till 29.05.2022. Additionally, the notes to the financial statements for FY 2020–21 as at 31.03.2021, placed at page no. 365, acknowledges liabilities aggregating to INR 2.92 crores under short-term borrowings and unsecured grants from others. The said acknowledgment further extends the period of limitation till 31.03.2024. Accordingly, the present Petition satisfies the requirement of limitation.

9. Under Section 7 of the IBC, in order to initiate CIRP, it is essential that the Applicant proves that there is a financial debt as defined under Section 5(8) of the IB Code and that a default under Section 3(12) has been committed in respect of that financial debt. In the present case the material on record clearly goes to show that Corporate Debtor had availed loan facilities and has committed default in repayment of the outstanding loan amount.
10. Further, it is noted that the Petitioner has placed on record Form D, being the record of default issued by NeSL, corroborating the dates of default in respect of the concerned projects. The said record reflects the status of authentication of default as *“deemed to be authenticated”* and is duly marked and annexed as **Exhibits BB, CC and DD** at page nos. 222, 228 and 234 of the Petition. It is also noted that the Corporate Debtor has acknowledged its outstanding dues vide email dated 24.05.2021, placed at page no. 244 of the Petition, the relevant extract whereof is reproduced hereinafter:

“Dear Ms. Bhawna Arora,

.....

As much as we hoped and tried, the Covid crisis has caused a setback in our finances and has rendered us unable to keep up with the payment schedules as set out in our settlement letter. Kindly accept our sincere apologies for the inconvenience caused to you.

Please be assured that Avesthagen acknowledges the outstanding due to you and hopes to be able to clear the same at the earliest.....”

The aforesaid documents, read conjointly, clearly establish the existence of debt and the occurrence of default on the part of the Corporate Debtor.

11. In the given facts and circumstances, the present petition being complete and having established the default in payment of the financial debt and for the default amount



being above Rs. 1,00,00,000/-, the petition is liable to be admitted in terms of Section 7 of the IBC, 2016.

12. Accordingly, Company Petition bearing **CP (IB) No. 161/BB/2024** is hereby **admitted** against the Corporate Debtor, **AVESTHAGEN LIMITED** and consequently moratorium is declared in terms of Section 14 of the Code imposing following prohibitions to be complied with by all concerned:
 - 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;
13. It is further directed that the supply of essential goods or services to the Corporate Debtor as may be specified, shall not be terminated or suspended or interrupted during the moratorium period in accordance with sub-section (2) of Section 14 of the Code;
14. The provisions of Section 14(3) shall however, not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator and to a surety in a contract of guarantee to a Corporate Debtor.
15. The order of *moratorium shall have effect from the date of this order till completion of the Corporate Insolvency Resolution Process or until this Bench approves the Resolution Plan* under sub-section (1) of Section 31 or passed an order for liquidation of Corporate Debtor under Section 33 of the IBC as the case may be;
16. In Part-III of Form No.1, **Shri. Piyush Kisanlal Jani**, having Registration No. **IBBI/IPA-001/IP-P01439/2018-19/12164** has been proposed as Interim Resolution



Professional (IRP). Form No.2 Written Communication by the IRP has been filed along with the Petition, as *Exhibit E* on page no. 56. In view of the above, we, therefore appoint **Shri. Piyush Kisanlal Jani**, contact no. 9922999355, email id: capiyushj@gmail.com having registered address at Om Ashrya, New Laxminagar, Behind Mazar, Ring Road, Gondia, Maharashtra- 441614 as the Interim Resolution Professional. The IRP is directed to take the steps as mandated under the IBC, especially under Sections 15, 17, 18, 20 and 21 of IBC, 2016 and strive to complete the process within prescribed timeline.

17. The Financial Creditor shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) with the IRP to meet the expenses arising out of issuing public notice and inviting claims. These expenses are subject to approval by the Committee of Creditors. **In addition, the RP shall issue individual notices to Jurisdictional Income Tax Authority; Principal Commissioner of Income Tax (Judicial), Bengaluru; Regional Provident Fund Commissioner; GST Commissioner; Commercial Tax Authority; recognized Labour Unions.**
18. The Interim Resolution Professional shall after collation of all the claims received against Corporate Debtor and the determination of the financial position of the Corporate Debtor constitute a Committee of Creditors and shall file a report, certifying constitution of the Committee to this Tribunal on or before the expiry of thirty days from the date of his appointment, and shall convene first meeting of the Committee within seven days for filing the report of Constitution of the Committee. The Interim Resolution Professional is further directed to send monthly progress reports to this Authority without annexing a copy hereof.
19. A copy of the order shall be communicated to both the parties. The learned Counsel for the Petitioner shall deliver a copy of this order to the Interim Resolution Professional forthwith. The Registry is also directed to send a copy of this order to the Interim Resolution Professional at his e-mail address, capiyushj@gmail.com.

-Sd-
RADHAKRISHNA SREEPADA
MEMBER (TECHNICAL)

-Sd-
SUNIL KUMAR AGGARWAL
MEMBER (JUDICIAL)



IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH, BENGALURU
[Through Physical hearing/ VC Mode (Hybrid)]

ITEM No.15
I.A.No.441/2025 in
C.P (IB) No. 173/BB/2023

IN THE MATTER OF:

M/s Wipro Ltd	...	Petitioner
Vs.		
M/s. Avesthagen Ltd.	...	Respondent

Order under Section 9 of I & B Code, 2016

Order delivered on: 09.06.2025

CORAM:

SHRI. SUNIL KUMAR AGGARWAL
HON'BLE MEMBER (JUDICIAL)

SHRI. RADHAKRISHNA SREEPADA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the IRP : Shri Balady Shekar Shetty
For Petitioner: Shri S.R Kamalacharan

ORDER

I.A. No.441/2025

1. Heard the Learned Counsel for the parties.
2. This application is filed by the Applicant/IRP under Section 12A of the I & B Code, 2016 read with Regulations 30A of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and Rule 11 of the NCLT Rules, 2016 seeking for withdrawal of the C.P (IB) No.173/BB/2023 in view of the settlement arrived between the Operational Creditor and Corporate Debtor and the default amount of Rs.2,38,15,350/- is being settled fully and default amount of USD 1,578,132 shall be settled via a subsequent settlement agreement. Pertinently, the Applicant has not yet constituted the Committee of Creditors (CoC). Accordingly, the Petitioner has executed Form-FA dated 14.05.2025 seeking for withdrawing the company petition. Therefore, in view of the amicable settlement between the parties, the Applicant has filed the present application seeking withdrawal of the



present company petition. Since the conditions for withdrawal of CIRP U/s.12A of the Code have been satisfied, this Adjudicating Authority has no objection for withdrawal of this Petition. Therefore, the instant Application is hereby allowed.

3. On 26.05.2025, the Adjudicating Authority noticed that the concerned person authorised to sign the form has no authorisation to withdraw the petition, therefore, the Applicant was directed to file the same. In compliance to the same, the Applicant has filed the Compliance Memo vide Dy.No.2973 dated 05.06.2025 and the same is taken on record.
4. Consequently, the Corporate Debtor is hereby released from the rigours of CIRP and the IRP so appointed, is directed to handover the charge of the assets and affairs of the Corporate Debtor back to the Suspended Members of the Board of Directors of Corporate Debtor. Subsequently, IRP is discharged from his duties of the Corporate Debtor, and moratorium shall be ceased to have effect, from the date of this order.
5. Accordingly, **I.A (IBC) No.441/2025 stands allowed**, consequently, the Petition bearing **C.P.(IB) No.173/BB/2023** is disposed of as withdrawn and pending I.As, if any, stands closed.

-Sd-

**RADHAKRISHNA SREEPADA
MEMBER (TECHNICAL)**

-Sd-

**SUNIL KUMAR AGGARWAL
MEMBER (JUDICIAL)**

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