

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT- II)

Item No. 201
IB-583/ND/2024

IN THE MATTER OF:

Central Bank of India

... Applicant/Petitioner

Versus

Richfield Industries Pvt. Ltd.

... Respondent

Under Section: 7 of IBC, 2016

Order delivered on 20.12.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Applicant :

For the Respondent :

For the CD : Adv. Manohar Malik, Adv. Astha Gumber

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

The captioned petition has been preferred by the Central Bank of India for initiating the Corporate Insolvency Resolution Process qua Richfield Industries Pvt. Ltd. i.e. Respondent before us. The particulars of the amount of the debt and default are given in Part-IV of the application, which reads thus:

| PART IV | | | |
|-------------------------------|----------------------|---------------------|------------------------------|
| PARTICULARS OF FINANCIAL DEBT | | | |
| 1. | TOTAL AMOUNT OF DEBT | Rs. 70,66,49,017.24 | (RUPEES |
| | GRANTED DATE(S) OF | | SEVENTY CRORE SIXTY SIX LAKH |
| | DISBURSEMENT | | FORTY NINE THOUSAND |
| | | | SEVENTEEN AND TWENTY FOUR |
| | | | PAISE ONLY) |
| | | | DATE OF DISBURSEMENT |
| | | | 21.10.2014 |

| | |
|---|---------------------------------------|
| 2. AMOUNT CLAIMED TO BE IN DEFAULT AND THE DATE ON WHICH THE DEFAULT OCCURRED (ATTACH THE WORKINGS FOR COMPUTATION OF AMOUNT AND DAYS OF DEFAULT IN TABULAR FORM) | TOWARDS PRINCIPAL AMOUNT: |
| | RS. 44,00,00,000/- |
| | TOWARDS INTEREST FOR PRINCIPAL AMOUNT |
| | RS. 26,14,12,265.09/- |
| | TOTAL AMOUNT |
| | RS. 70,14,12,265.09/- |
| | DATE OF DEFAULT OCCURRED |
| | 01.04.2015 |

2. The particulars of the IP proposed by the Financial Creditor are given in Part-III of the application which reads thus:

| PART III | |
|---|---|
| PARTICULARS OF THE PROPOSED INTERIM RESOLUTION PROFESSIONAL | |
| 1. NAME, ADDRESS, EMAIL ADDRESS AND THE REGISTRATION NUMBER OF THE PROPOSED INTERIM RESOLUTION PROFESSIONAL | Mr. Vikram Bajaj , 214, Tower A, Spazedge Sector 47, Guragraon -122018 IP, Reg. NO. IBBI/IPA-002/IP-N00003//2016-2017/10003 Mobile NO. : 919999989408. Copy of Written communication is annexed herewith and marked as ANNEXURE P-3. |

3. The consent of Mr. Vikram Bajaj, IP, has been placed on record at page no. 124 of the paper book. As can be seen from Clause-4 mentioned in the Consent Form, the IP has certified that no disciplinary proceeding is pending before this Tribunal.

4. As can be seen from the statement of account qua Rangoli International Pvt. Ltd. i.e. the Principal Debtor, the amount of debt was disbursed to the Corporate Debtor. The Corporate Debtor had drawn the amount from the CCL account. The relevant excerpt of the entries in bankers books reads thus:

223

Statement Of Account

RANGOLI INTERNATIONAL PVT LTD
9H,9th FLOOR,
15 HANSALAYA BUILDING
BARAKHAMBIA ROAD,
NEW DELHI
NEW DELHI 110001

Central Bank Of India
SAMDEL SAM-DELHI
Jeevan Tara Building,
Parliament Street,
Branch Code : 05132
GSTIN :
Account No: 3122549371
Product: EPC ORDER CORPORATE
Currency: INR

Nomination
Date: 4/19/2024 Time : 1:20:11 PM Email:

Cleared Balance: 75,419,238.19Dr Uncleared Amount: 0

Limit: 0 Drawing Power: 0 Int. Rate:

Statement From: 14/05/2011 To : 31/03/2022

Page No. 2

| Value Date | Post Date | Details | Chq. No. | Debit | Credit | Balance |
|---------------------|------------|--|---------------------|---------------------|---------------------|------------------------|
| | | BROUGHT FORWARD : | | | | -100003487.00Dr |
| 14/02/2012 | 14/02/2012 | BY TRANSFER0031612RD0747115 00702000000026TRADE FINANCE | | | 11010117.00 | 88993370.00Dr |
| 14/02/2012 | 14/02/2012 | BY TRANSFER0031612RD0747116 00702000000026TRADE FINANCE | 0 | | 11042909.00 | 77950461.00Dr |
| 14/02/2012 | 14/02/2012 | BY TRANSFER0031612RD0747117 00702000000026TRADE FINANCE | 0 | | 11221675.00 | 66728786.00Dr |
| 15/03/2012 | 15/03/2012 | BY TRANSFER0031612RD0747170 00702000000026TRADE FINANCE | | | 11149885.00 | 55578901.00Dr |
| 16/03/2012 | 16/03/2012 | BY TRANSFER0031612RD0747174 00702000000026TRADE FINANCE | | | 6160000.00 | 49418901.00Dr |
| 18/04/2012 | 18/04/2012 | BY TRANSFER0031612RD0747264 00702000000026TRADE FINANCE | 0 | | 11731217.00 | 37687684.00Dr |
| 18/04/2012 | 18/04/2012 | BY TRANSFER0031612RD0747263 00702000000026TRADE FINANCE | | | 11481606.00 | 26206078.00Dr |
| 18/04/2012 | 18/04/2012 | CREDIT0031612RD0747174 MARGIN | 0 | | 4629960.00 | 21576118.00Dr |
| 18/04/2012 | 18/04/2012 | TO TRANSFER0031612PC0000162 010010000000 | 0 | 23400000.00 | | 44976118.00Dr |
| 20/04/2012 | 20/04/2012 | TO TRANSFER0031612PC0000166 010010000000 | 0 | 6500000.00 | | 51476118.00Dr |
| 23/04/2012 | 23/04/2012 | TO TRANSFER0031612PC0000168 010010000000 | 0 | 10000000.00 | | 61476118.00Dr |
| 24/04/2012 | 24/04/2012 | BY TRANSFER0031612RD0747276 00702000000026TRADE FINANCE | 0 | | 10432915.00 | 51043203.00Dr |
| 05/06/2012 | 05/06/2012 | TT PAYMENT- MISC SALE/PURCHASE | 0 | | 10014029.00 | 41029174.00Dr |
| 06/06/2012 | 06/06/2012 | TO TRANSFER0031612PC0000217 010010000000 | 0 | 9980000.00 | | 51009174.00Dr |
| 06/06/2012 | 06/06/2012 | BY TRANSFER0031612RD0747363 00702000000026TRADE FINANCE | 0 | | 16455085.00 | 34554089.00Dr |
| 07/06/2012 | 07/06/2012 | TO TRANSFER0031612PC0000220 010010000000 | 0 | 15400000.00 | | 49954089.00Dr |
| 07/06/2012 | 07/06/2012 | CREDIT747276 MANUALLY REVERSED | 0 | | 8536022.00 | 41418067.00Dr |
| 07/06/2012 | 07/06/2012 | BY TRANSFER0031612RD0747365 00702000000026TRADE FINANCE | 0 | | 12919734.00 | 28498333.00Dr |
| 08/06/2012 | 08/06/2012 | TO TRANSFER0031612PC0000222 010010000000 | 0 | 17700000.00 | | 46198333.00Dr |
| 08/06/2012 | 08/06/2012 | TO TRANSFER0031612PC0000225 010010000000 | 0 | 3400000.00 | | 49598333.00Dr |
| 08/06/2012 | 08/06/2012 | BY TRANSFER0031612RD0747367 00702000000026TRADE FINANCE | 0 | | 12598691.00 | 36999642.00Dr |
| 09/06/2012 | 09/06/2012 | TO TRANSFER0031612PC0000226 010010000000 | 0 | 12400000.00 | | 49399642.00Dr |
| 12/06/2012 | 12/06/2012 | TO TRANSFER0031612PC0000230 010010000000 | 0 | 15000000.00 | | 64399642.00Dr |
| | | CARRIED FORWARD : | | | | 64399642.00Dr |
| Page Summary | | Dr. Count 9 | Cr. Count 14 | 352981000.00 | 288581358.00 | |

5. The account of Principal Debtor was declared as NPA on 01.04.2015, but the Principal Debtor could repay part of amount of debt on 23.06.2023, in implementation of the order passed by the Debt Recovery Tribunal. The relevant excerpt of the order dated 11.03.2020 passed by DRT-2, Delhi in OA No. 1005/2016 reads thus:-

20. In the result:

- i. **The OA is allowed with costs. The applicant bank is entitled to recover a sum of Rs.303,66,49,596.10 (Rupees Three Hundred Three Crores Sixty Six Lakhs Forty Nine Thousand Five Hundred Ninety Six and paise Ten Only) along with future interest @ 12.00% per annum simple from the date of filing of the O.A. till recovery from the defendants no.1 to 6 jointly and severally. Defendants no.1 to 6 are directed to pay the decretal amount to the applicant banks failing which the amount shall be recovered by sale of the hypothecated assets, current assets/fixed assets, stocks including raw material, semi finished goods or finished goods, book debts and appropriate the same against the outstanding amounts due to the applicant banks as well as to D-7 and also sale of mortgaged properties and sale proceeds obtained there from be appropriated by the Applicant**

Banks on pro rata basis to cover their outstanding dues viz.

- (i) **Khata Khatoni No.408, Gata No.4/1, Rakba-0.3790, village Dayantpur, Tehsil Jewar, Gautam Budh Nagar, Uttar Pradesh;**
- (ii) **Shop No.GF-12 to GF-15 on ground floor property No. V/322 (old) and new MC No.V/1118 situated at Chatta Madan Gopal, Maliwara, Chandni Chowk, Delhi ;**
- (iii) **Plot No.1,2,4 & 5 admeasuring 2100 sq. yards Nasirpur, Dwarka, New Delhi;**
- (iv) **Shop No.GF-3 to GF-6 on Ground Floor, Property No. V/322(old) and new MC NO.V/1118 situated at Chatta Madan Gopal, Chandni Chowk, Delhi;**

- (v) **Shop No. LF 4 & 7 on Lower Ground Floor, property No. V/322(Old) and new MC No. V/1118 situated at Chatta Madan Gopal, Maliwara, Chandni Chowk, Delhi;**
- (vi) **Shop No. SF-7 to SF-10 on Second Floor, Property No.V/322 (Old) and new MC No. V/1118 situated at Chatta Madan Gopal, Chandni Chowk, Delhi;**
- (vii) **Shop No. SF-12 to SF-15 on Second Floor, Property No. C/322 (Old) and new MC No.V/1118 situated at Chatta Madan Gopal, Maliwara, Chandni Chowk, Delhi; and**
- (viii) **House No.1185, B-1, Vasant Kunj, New Delhi admeasuring 2800 sq. ft.**
- (ix) **Plot No.3 admeasuring 500 sq. yards Nasirpur, Dwarka, New Delhi (exclusively mortgaged in favour of Applicant Bank No.1 – PNB).**

In case of any shortfall, the same shall be recovered from the sale of the personal movable and immovable property of the defendants no.1 to 6 jointly and severally.

- ii. **The applicant banks are directed to file the revised statement of account before the Recovery Officer, DRT-II, Delhi.**
- iii. **The Recovery Certificate/s be issued forthwith and be sent to Recovery Officer, Debts Recovery Tribunal-II, Delhi.**
- iv. **The Registry of this Tribunal is hereby directed to issue the free copy of this order and send to all the parties.**
- v. **Parties are directed to appear before the Ld. Recovery Officer, DRT-II, Delhi on 18th May, 2020.**
- vi. **I.A/s if any pending stands closed.**
- vi. **File be consigned to records.**

6. A recovery certificate was issued on 21.03.2020 i.e. after the aforementioned order could be passed by DRT. Indubitably, the Corporate Debtor before us stood as Corporate Guarantor qua the Principal Debtor. As ruled by the Hon'ble Supreme Court in the case of Lakshmi Pat Surana, the Corporate Guarantor is also equally responsible for default committed in the

repayment of the Financial Facility. In the said judgment, it was also be ruled that the acknowledgment of debt by the Principal Debtor would amount to an acknowledgment of same, given by the Corporate Guarantor. During the course of hearing, Ms. Ashtha Gumber, Ld. Counsel appearing for the Corporate Debtor, conceded to the plea raised in the petition and submitted that the Corporate Guarantor (debtor) also desire that, in the interest of resolution of its insolvency at the earliest, the present petition may be admitted and CIRP may be ordered to commenced.

7. In view of the aforementioned, **we are left with no option but to admit the present application. Ordered accordingly. In the wake, moratorium provided under Section 14 of IBC, 2016 is declared qua the CD** and as a necessary consequence thereof the following prohibitions are imposed, which must be followed by all and sundry:

- (a) The institution of suits or continuation of pending suits or proceedings against the Respondent 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 Respondent 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 Respondent 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 Respondent.

8. As proposed by the Petitioner, **Mr. Vikram Bajaj**, having Registration **IBBI/IPA-002/IP-N00003/2016-17/10003** is appointed as IRP, subject to the condition that no disciplinary proceeding is pending against him and disclosures as required under IBBI Regulations, 2016 are made by him within a period of one week from this Order. It is further ordered that:

“Mr. Vikram Bajaj, shall take charge of the CIRP of the Corporate Debtor with immediate effect and would take steps as mandated under the IBC specifically under Section 15, 17, 18, 20 and 21 of IBC, 2016 read with extend provisions of IBBI (Insolvency Resolution of Corporate Persons) Regulations, 2016.”

9. The Petitioner is directed to deposit Rs. 2,00,000/- only with the IRP to meet the immediate expenses. The amount, however, will be subject to adjustment by the Committee of Creditors as accounted for by Interim Resolution Professional and shall be paid back to the Financial Creditor.

10. A copy of this Order shall immediately be communicated by the Registry/Court Officer of this Tribunal to the Petitioner /Financial Creditor, the Respondent/Corporate Debtor and the IRP mentioned above.

11. In addition, a copy of this Order shall also be forwarded by the Registry/Court Officer of this Tribunal to the IBBI for their records.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)