

IN THE NATIONAL COMPANY LAW TRIBUNAL  
COURT No. 5, MUMBAI BENCH

**CP No. 244/MB-V/2020**

Under section 8 & 9 of the IBC, 2016

*In the matter of*

M/s. Central Investigation and Security Services  
Limited

Having its' registered office at -002, Parasram  
Pura, Tower No.6, Near Millat Nagar, Oshiwari  
Andheri (West), Mumbai - 400053

...Petitioner/Operational Creditor

V/s

M/s. Dhanlaxmi Electricals Private Limited  
905, 9s' Floor, Concorde Building,  
Plot No. 65A, Sector I 1, Belapur,  
Navi Mumbai, Thane - 400614.

...Corporate Debtor

Order Pronounced On: 06.09.2021

*Coram:*

Smt. Suchitra Kanuparthi, Hon'ble Member (Judicial)

Shri Chandra Bhan Singh, Hon'ble Member (Technical)

*Appearances (Via Video Conference):*

For the Petitioner : Adv. Anirudh Purusothaman

For the Respondent : None present


*Per: Suchitra Kanuparthi, Member (Judicial)*

ORDER

1. This is a petition being CP No 244/MB-V/2020 filed by Central Investigation and Security Services Limited, the Operational Creditor / Petitioner, under section 9 of Insolvency & Bankruptcy Code, 2016 (I&B Code) read with Rule 5 and 6 of Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016. against M/s Dhanlaxmi Electricals Private Limited, Corporate Debtor, for initiating Corporate Insolvency Resolution Process (CIRP). The Petition is filed claiming a total default of Rs. 8,57,225/- as on 31.05.2019.
2. The Petition reveals that the Petitioner has provided private security services to the Corporate Debtor vide Work Order dated 02.04.2016 bearing No. DE/NASIK/2016-17/379. The Petitioner has raised the invoices from May 2019 up to September 2019 against the services provided to the Corporate Debtor. Copy of the work order and the invoices raised are annexed to the petition. The table showing the Break-up of “Due Amount”.

<b>Sr. No.</b>	<b>Invoice Date</b>	<b>Invoice Period</b>	<b>Invoice No.</b>	<b>Amount Outstanding</b>
1.	31.05.2019	May 2019	NSK/MAY19/091	2,64,131
2.	30.06.2019	June 2019	NSK/JUNE19/166	2,56,895
3.	31.07.2019	July 2019	NSK/JULY19/248	1,67,862
4.	31.08.2019	August 2019	NSK/AUG19/341	1,41,209
5.	17.09.2019	September 2019	NSK/SEP19/410	27,128
<b>TOTAL</b>				<b>8,57,225/-</b>

The copy of the work order issued by the Petitioner is reproduced as below:

 **DHANALAXMI ELECTRICALS**  
Govt. PWD, Licensed Contractors & Engineers  
'A' Class Registration in Maharashtra, MP & Delhi  
Office address : 805, 9th Floor, Concorde Building, Plot No. 65, Sector 11, Belapur, Pune - 411 004  
Email : mib\_khan1970@yahoo.co.in

**Order for Security Guard**

DE/NASIK/2016-17/379 Date : 02.04.2016

**To**  
CENTRAL INVESTIGATION & SECURITY SERVICES LTD.  
Mob :- 9823078442 / 8380073072  
Ph : 0253-2391505 / 2396215  
www.cissindia.co.in

**Sub :** Order for Security guards for Stores

**Ref :** Your mail dated 02.04.2016.

Dear Sir,

We have referred to your email dated 2/4/2016 and would like to place the order for security guard to our following stores on the following term and conditions.

SN	Particulars	Unit	Qty	Rate
1	Narayangaon Store	No	Day -01 Night -03	Rs.9500/Monthly/ per Guard
2	Dindori Store	No	Day - 02 Night - 03	Rs.9500/Monthly/ per Guard
3	Sinnar store	No	Day - 01 Night - 03	Rs.9500/ Monthly/ per Guard

**Terms & Conditions.**

- The above rates are inclusive of all Govt taxes except Service tax, which will be paid by us as applicable
- Payment: After one week from the receipt of bill from you duly certified by our Project Manager.
- Duty: 12 Hrs. shift and two shift (day and night) for the month
- Tin No: 27340560324C w.e.f. 5.6.2006.

*Lalit Nasolik*  
*02/04/2016*

3. Despite several requests made by the Petitioner, the Corporate Debtor has failed to clear its dues. Thus, on account of non-payment of

outstanding dues, on 09.10.2019, the Petitioner has sent a civil suit notice and issued a Demand Notice, under form 4 of the Code, demanding a sum of Rs. 8,57,225/-:

*“Central Investigation and Security Services Limited, hereby provides notice for repayment of the unpaid amount of Rs. 8,57,225/-, that is in default as reflected in the invoice/attached to this notice.*

*In the event you do not repay the debt due to us within 10 days of receipt of this notice, we may file an application before the Adjudicating Authority for initiating a corporate insolvency resolution process under section 9 of the Insolvency and Bankruptcy Code, 2016”*

However, there was no reply from the Corporate Debtor for both the notices from the Corporate Debtor.

4. The Petitioner has filed an affidavit affirming that in respect of the amount claimed or any part thereof, the Petitioner has not received nor had any person, on its behalf had received in any manner the amount due to them nor has received any notice of dispute raised by the Corporate Debtor under section 9(3)(b) of the IBC, 2016.
5. The Petitioner has filed its Ledger Account for the period from 01.04.2019 to 17.09.2019 to show that no money is received from the Corporate Debtor.

CISS Ltd (Nashik) - (19-20)				
Dhanlaxmi Electrical				
Ledger Account				
1-Apr-2019 to 12-Dec-2019				
Date	Particulars		Debit	Credit
01-04-2019 Cr	Opening Balance		418416.00	
20-04-2019 Dr	Nashik - HDFC - 00642050000047			209187.00
	Agst Ref	18-18/NSK/SEP	Cr	
	neft against bill feb. '19			
	i admin			
30-04-2019 Cr	Security Service Charges		234494.00	
	New Ref	NSK/APR19/015	Dr	
	BILL FOR THE MONTH OF APRIL'2019 (GST NO.27ALYPK4933B1ZU)			
	i valif			
31-05-2019 Cr	Security Service Charges		200300.00	
	New Ref	NSK/MAY19/091	Dr	
	BILL FOR THE MONTH OF MAY'2019			
	i valif			
31-05-2019 Dr	Security Service Charges			2187.00
	Agst Ref	NSK/MAY19/091	Cr	
	DHANLAXMI SITE DEBIT NOTE - BILL NO NSK/MAY19/091 RECV.DATA 14.10.19			
30-06-2019 Cr	Security Service Charges		256895.00	
	New Ref	NSK/JUNE19/166	Dr	
	BILL FOR THE MONTH OF JUNE'19			
10-06-2019 Dr	Nashik - HDFC - 00642050000047			234494.00
	Agst Ref	NSK/APR19/015	Cr	
	NEFT AGAINST BILL APRIL'19			
	i admin			
24-07-2019 Dr	NASHIK - HDFC - 00642050000047			209229.00
	Agst Ref	18-18/NSK/03/6.22	Cr	
	NEFT AGAINST BILL MARCH'19			
	i admin			
31-07-2019 Cr	Security Service Charges		167861.00	
	New Ref	NSK/JULY19/248	Dr	
	BILL FOR THE MONTH OF JULY'19 -			
31-08-2019 Cr	Security Service Charges		141209.00	
	New Ref	NSK/AUG19/341	Dr	
	BILL FOR THE MONTH OF AUGUST'2019			
	i praful			
17-09-2019 Cr	Security Service Charges		27128.00	
	New Ref	NSK.SEPT19/410	Dr	
	BILL FOR THE MONTH OF SEPT'19			
			1512353.00	655097.00
Dr	Closing Balance			857256.00
			1512353.00	1512353.00

6. The Petitioner has filed the bank certificate of HDFC Bank dated 10.01.2020 as required u/s. 9(3)(c) of I&B Code.

7. The matter was initially listed on 22.01.2020, wherein the bench directed the Petitioner to serve a notice on the Corporate Debtor via all available means and directed the Petitioner to file an affidavit to this effect, on 07.02.2020 the Petitioner has filed an affidavit of service confirming the delivery of notice to the Corporate Debtor, on

28.01.2020 despite service of notice, the Corporate Debtor failed to appear before this bench, when the matter listed on 16.03.2020, it was not heard due to the lockdown and again the matter was pushed to 21.01.2021 the court notice that was issued and despite the notice, the Corporate Debtor has failed to appear today also. The Petitioner has filed an affidavit of service regarding the same thereafter the matter was listed on 11.03.2021, 03.06.2021.

8. Thereafter on 13.08.2021, the matter was listed for hearing, but no one appeared on behalf of the Corporate Debtor. The Bench heard the Petitioner and ongoing through the Form 5 filed by the Petitioner, the debt and default is writ large in the Petition.
9. This Bench having been satisfied with the Petition filed by the Petitioner which complies of provisions of Section 8 & 9 of the Insolvency & Bankruptcy Code, admits this Petition, declaring Moratorium with the directions as mentioned below:
  - a) that this bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including the execution of any judgement, decree or other in any court of law; transferring, encumbering, alienating or disposing of by the Corporate Debtor any of its assets or any legal right or beneficial interest therein; 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; the recovery of any property by an owner or lessor

where such property is occupied by or in the possession of the Corporate Debtor.

- b) that the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during the moratorium period.
- c) that the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- d) that the order of moratorium shall have effect from today till the completion of the CIRP or until this Bench approves the resolution plan under sub-section (1) of Section 31 or passes an order for liquidation of Corporate Debtor under section 33, as the case may be.
- e) that the public announcement of the CIRP shall be made immediately as specified under Section 13 of the Code.
- f) that this Bench hereby appoints Mr. Naren Sheth residing 1014 Prasad Chamber Tata Road No.1.Opera House, Mumbai, Maharashtra 400004; having Registration No. IBBI/IPA-001/IP-P00133/2017-18/10275; as Interim Resolution Professional to carry the functions as mentioned under the Code.

10. Accordingly, this Petition is admitted.

11. The Registry is hereby directed to communicate this order to both the parties and the Interim Resolution Professional immediately.

Sd/-  
Chandra Bhan Singh  
Member (Technical)

Sd/-  
Suchitra Kanuparthi  
Member (Judicial)