

**NATIONAL COMPANY LAW TRIBUNAL
COURT No. – I, MUMBAI BENCH**

*** **

IA No. 1293/2020

in

CP No. 145/MB/2018

Corporation Bank

V/s

Aditya Polymers

*** **

Dated 20th January, 2021

ORDER

Sr. No.10

The matter is taken up on VC. Counsel for the Applicant is present. IA No.1293 of 2020 is an Application seeking Liquidation of the Corporate Debtor. Heard. Counsel for the Applicant submits that the CIRP was initiated against this Corporate Debtor on an Application filed under Section 7 of the I & B Code by an order of this Bench dated 05.09.2019.

It is submitted that the CIRP has been conducted in accordance with the provisions of the Code. It is further submitted that the CIRP period expired on 03.03.2020 and there has been no resolution plan. Hence, the CoC in its meeting held on 20.02.2020 with a vote share of 84.75% decided to liquidate the Corporate Debtor and decided to appoint one Mr. Krishna Chamadia, having IBBI Registration No. IBBI/IPA-001/IP-P00694/2017-2018/11220 as a Liquidator of the Corporate Debtor. He has given his consent to act as the Liquidator of the Corporate Debtor. The following is the extract of the Resolution passed by the CoC:

“Resolved that pursuant to the provisions of Section 33(1) and other applicable provisions, if any, of Insolvency and Bankruptcy Code, 2016 and in accordance with the rules and regulations made thereunder; in view of no resolution plan being received, consent of the Committee of Creditors be and is hereby accorded for liquidation of the Corporate Debtor and the Resolution Professional be and is hereby authorised to file the application for liquidation before the Hon’ble Adjudicating Authority after completion of 180 days of the Corporate Insolvency Resolution Process.”

This Application being in consonance with Section 33 of the Code, in the absence of a Resolution Plan, the Liquidation needs to be ordered Accordingly, Liquidation is ordered with the following directions:

- a) The Corporate Debtor i.e. Aditya Polymers shall be liquidated in the manner as laid down in Chapter-III of the Code.
- b) Mr. Krishna Chamadia, having IBBI Registration No. IBBI/IPA-001/IP-P00694/2017-2018/11220, an Insolvency Professional is appointed as the Liquidator.
- c) He shall issue public announcement stating that Corporate Debtor is in liquidation.
- d) The Moratorium declared under Section 14 of the IBC 2016 shall cease to operate here from.
- e) Subject to section 52 of the IBC 2016 no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- f) All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.

- g) The liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code, read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.
- h) Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
- i) The Liquidator shall be entitled to charge 50% of the fees as calculated under the Code, subject to minimum of Rs.25 lakhs and maximum of Rs.35 lakhs.
- j) This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the liquidation process by the Liquidator.
- k) Copy of the Order shall be furnished to the IBBI, to the Regional Director (Western Region), Ministry of Corporate Affairs; Registrar of Companies & Official Liquidator, Maharashtra, the Registered Office of the Corporate Debtor; and the Liquidator.

Accordingly, IA No.1293 of 2020 is allowed and disposed of.

Sd/-
V. NALLASENAPATHY
Member (Technical)

Sd/-
JANAB MOHAMMED AJMAL
Member (Judicial)