



**THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH-IV**

I.A. 785 OF 2023

Under Section 33 of Insolvency &
Bankruptcy Code, 2016

Mr. Kairav Anil Trivedi

Resolution Professional/

...Applicant

In the matter of

C.P.(IB) No. 4479/MB/2019

Inventure Finance Private Limited

Financial Creditor

Vs.

Mahabali Innovative Technologies Private
Limited

Corporate Debtor

Order delivered on: 21/03/2023

Coram:

Mr. Prabhat Kumar
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Applicant/RP :

ORDER



IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH, COURT IV

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IN
CP (IB) 4479/C-IV/MB/2019

Per:

1. The above application I.A. No. 785/2023 is filed by Resolution Professional, Mr. Kairav Anil Trivedi (hereinafter referred to as the “Applicant”) seeking liquidation of Mahabali Innovative Technologies Private Limited (hereinafter referred to as the “Corporate Debtor”) under Section 33 (1) of the Insolvency and Code, 2016 (hereinafter called as “the Code”).
2. The brief facts of the application are as follows:
 - a. The Applicant mentions that this Tribunal vide its order dated 12.04.2022 in Company Petition No. 4479/IBC/MB/2019 admitted the petition under Section 7 of the Code, filed by Inventure Finance Private Limited (hereinafter referred to as the “Financial Creditor”) and Corporate Insolvency Resolution Process (hereinafter referred to as the “CIRP”) was initiated against the Corporate Debtor. The Applicant was appointed as the Interim Resolution Professional of the Corporate Debtor by this Tribunal.
 - b. The Applicant submits that public announcement in Form-A were made on 15.02.2022 as per the regulations 2016.
 - c. The Applicant states that in the very first CoC meeting, the CoC members expressed their unwillingness to contribute any



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amount towards CIRP cost(s) including IRP/RP fees and Registered Valuers and has also declined to contribute any money for carrying out CIRP process any further even though they have filed their claims.

- d. The Applicant further submits physical possession of the secured assets/fixed assets were taken by the Secured Creditors under SARFAESI Act, 2002 and same were sold by the lenders. The amount realized from the sale of assets have been adjusted towards the outstanding debt. There are no other fixed assets/plants with the Corporate Debtor as on the date of CIRP.
- e. Therefore, considering the situation, it is proposed by the Applicant that the Corporate Debtor be liquidated and dissolved rather than completing the CIRP process since there is nothing left for the revival of the Corporate Debtor and funding the cost of CIRP process if taken forward also has serious challenges.
- f. The major CoC member IDBI Bank having 76.09% share in the CoC is not interested to spend any money on the CIRP expenses. Therefore, the CoC in its first meeting held on 11.05.2022 unanimously with 100% voting passed a resolution for liquidation of the Corporate Debtor.



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3. After hearing the submissions made by the Counsel appearing for the Applicant and upon perusing the material available on record, this bench is of the opinion that the Corporate Debtor is required to be liquidated in the manner as laid down in the IBC 2016.

ORDER

4. The above I.A. No. 785/2023 is allowed and the Corporate Debtor Mahabali Innovative Technologies Private Limited is ordered to be liquidated as a going concern for the first attempt and if it fails, then sale by other methods should be tried.
- a. **Mr. Kairav Anil Trivedi**, having Registration No. IBBI/IPA-002/IP-N00728/2018-2019/12332, having office at: 413/414, Shram Jeevan B5, Opp Lodha New Cuffe Parade, Wadala East, Mumbai, is hereby appointed as the Liquidator as provided under Section 34(1) of the Code.
 - b. That the Liquidator for conduct of the liquidation proceedings would be entitled to the fees as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016.
 - c. The Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.



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- d. The Liquidator appointed under section 34(1) of the Code. All powers of the board of directors, key managerial personnel and the partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the liquidator.
- e. That the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the ROC under which this Company has been registered.
- f. That the personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
- g. That on having liquidation process initiated, 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 suit or other legal proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority.
- h. This liquidation order u/s 33(7) shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.



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- i. The liquidator shall be at liberty to pursue pending the Interlocutory Application pertaining to avoidance transactions, if any.
- j. With the above directions, the I.A. No.785/2023 filed u/s33 (2) by the applicant is hereby allowed and disposed of.

Sd/-

PRABHAT KUMAR
Member (Technical)
/NP/

Sd/-

KISHORE VEMULAPALLI
Member (Judicial)