

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH : C-IV**

C.P.(IB)-1130/MB/2020

Under Section 10 of the IBC, 2016

In the matter of
Ambey Vaishno Steels Pvt. Ltd.
...Corporate Debtor/Applicant

Order Pronounced on: **17.05.2023**

Coram:

Mr. Prabhat Kumar
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Corporate Applicant : Mr. Aniket Pawar, Advocate.

ORDER

Per: Prabhat Kumar, Member (Technical)

1. This is a Company Petition filed on 01.06.2020 by **Ambey Vaishno Steels Private Limited**, ("Corporate Applicant") under Section 10 of the Insolvency & Bankruptcy Code, 2016 ("the Code") read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016 for initiation of Corporate Insolvency Resolution Process (CIRP) of the Corporate Applicant company.
2. The Corporate Applicant submits that its registered office is at 505-A, Dempo Trade Centre, Patto Plaza, Panaji, Goa – 403 001, India,

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incorporated on 22.06.2009 vide CIN: U27109GA2009PTC006107 on the file of Registrar of Companies, Goa, having paid up share capital of Rs.12,70,00,000/-.

3. It is stated that the Shareholders of the Corporate Applicant in their meeting held on 05.02.2020 passed a resolution authorizing Mr. Rohit Ashok Jindal, director of the Company, to file a Petition u/s 10 of the Code before the Adjudicating Authority, i.e. NCLT; and to represent the Company before the NCLT or any other authority, jointly and severally, and to sign, execute any documents, engage advocate and file necessary application under the Code.
4. The Corporate Applicant has disclosed that a sum of ₹60,07,74,982/- is due to Financial and Operational Creditors which is in default.
5. The Corporate Applicant has enclosed the audited financial statements for the years 2017-18 and 2018-19, unaudited provisional financial statement for the year 2019-20 and list of creditors as on 31.03.2020.
6. The Corporate Applicant proposed Mr. Manoj Kumar Mishra, having address at Room No. 1406, Building 4B, New Hind Mill MHADA Sankul, Ram Bhau Bhogle Marg, Ghodapdev, Mumbai – 400 033, having Registration No. IBBI/IPA-001/IP-P01152/2018-2019/11902, as Interim Resolution Professional (IRP), who has given his consent with a declaration that no disciplinary proceedings are pending against him by Form 2.

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7. On hearing the Counsel and perusal of the Petition and the supporting documents annexed with the petition, this Bench finds that the Corporate Debtor has committed default in payment of debt of more than ₹60 crores, the petition contains the particulars required u/s 10 of the Code and this Application is complete in all respects.
8. In view of the above, this Bench hereby orders initiation of Corporate Insolvency Resolution Process against Corporate Debtor under Section 10 of the Code and declares moratorium with consequential directions as mentioned below:
 - (i) That this Bench hereby prohibits 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; 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 Securitisation 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.

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- (ii) That the supply of essential goods or services to the Corporate Debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- (iii) 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.
- (iv) That the order of moratorium shall have effect from 17.05.2023 till the completion of the Corporate Insolvency Resolution Process 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.
- (v) That the public announcement of The Corporate Insolvency Resolution Process (CIRP) be made immediately as specified under Section 13 of the Code.
- (vi) That this Bench hereby appoints Mr. Manoj Kumar Mishra, having Registration No. IBBI/IPA-001/IP-P01152/2018-2019/11902, [e-mail: manojkmishra95@gmail.com] as Interim Resolution Professional (IRP) to conduct the functions as mentioned under Insolvency & Bankruptcy Code.
- (vii) The Directors of the Corporate Applicant shall ensure that sufficient fund is made available to the IRP to meet the expenses arising out of issuing public notice and inviting claims. These expenses are subject

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to approval by the Committee of Creditors (CoC). It is clarified that money so deposited by the directors shall be paid in priority.

9. Accordingly, this Petition [CP(IB)-1130(MB)/2020] is hereby **admitted**.
10. The Registry is hereby directed to communicate this order to the Applicant. A copy of this Order be sent to the Registrar of Companies, Maharashtra, Mumbai, for updating the Master Data of the Corporate Debtor.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

17.05.2023/pvs

Sd/-

**KISHORE VEMULAPALLI
MEMBER (JUDICIAL)**