

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH
(Video Conference)**

PRESENT: JUSTICE TELAPROLU RAJANI – MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING HELD ON 15.11.2021 AT 10.30 AM

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CP(IB) No.31/9/AMR/2020
NAME OF THE COMPANY	Arrdy Engineering Innovations Pvt Ltd
NAME OF THE PETITIONER(S)	Janakee Industrial Products Pvt Ltd
NAME OF THE RESPONDENT(S)	Arrdy Engineering Innovations Pvt Ltd
UNDER SECTION	9 of IBC

Counsel for Petitioner(s):

<small>Ries</small>			
Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

Counsel for Respondent(s):

<small>Ries</small>			
Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

ORDER

CP(IB) No.31/9/AMR/2020 is admitted, vide separate orders.


**JUSTICE TELAPROLUY RAJANI
MEMBER JUDICIAL**

**NATIONAL COMPANY LAW TRIBUNAL
AMARAVATI BENCH**

*** **

CP (IB) No. 31/9/AMR/2020

**Petition under Section 9 of the Insolvency and Bankruptcy Code,
2016 Read with Rule 6 of the Insolvency and Bankruptcy
(Application to Adjudicating Authority) Rules, 2016
AND**

**In the matter of
M/s. ARRDY ENGINEERING INNOVATIONS PRIVATE
LIMITED**

Between

M/s. Janakee Industrial Products Private Limited,
Plot No.84, Bhagbanpur,
Industrial Estate, Khandagiri,
Bhubaneswar, Odisha - 751030.

... Operational Creditor

AND

M/s. Arrdy Engineering Innovations Private Limited,
#9-30-4, Siripuram,
Visakhapatnam -530003.

... Corporate Debtor

Date of Order: 15.11.2021

CORAM:

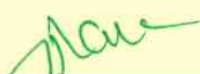
Justice Telaprolu Rajani, Member Judicial.

Appearance:

For Operational Creditor : Ms. Anuradha Bisani, PCS.
For Corporate Debtor : None appeared.

ORDER

1. This Application is filed by M/s. Janakee Industrial Products Private Limited (“hereinafter referred to as Operational Creditor”) seeking initiation of Corporate Insolvency Resolution Process in respect of M/s. Arrdy Engineering Innovations Private Limited (“hereinafter referred to as Corporate Debtor”) alleging that the



Corporate Debtor committed default in making payment of Rs.17,21,565/- towards invoices raised against the goods supplied. Hence petition under Section 9 of Insolvency and Bankruptcy Code, 2016 (referred to as "Code") read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 seeking admission of the Petition, initiation of Corporate Insolvency Resolution Process (CIRP), granting moratorium and appointment of Insolvency Resolution Professional (IRP) as prescribed under the Code and Rules thereon.

2. It is submitted that the Corporate Debtor engaged the services of Operational Creditor to utilise the material supplied by the Operational Creditor. The Operational Creditor send email dated 03.01.20217 has requested the Corporate Debtor to issue the pending C forms against the material supplied and send emails on several times but the Corporate Debtor failed to make the payment to the Operational Creditor.
3. The Operational Creditor issued demand notice dated 26.07.2019 to the Corporate Debtor. The Corporate Debtor issue vague reply letter dated 09.09.2019 denying the claim of the Operational Creditor and stating that we will check up their records and if dues are found to be genuine they will take steps to process them. But no payment made towards the demanded debt thereafter.
4. I heard the counsel for the Operational Creditor and perused the averments made in the Petition as well as the documents annexed to the Petition. It is evident that the Corporate Debtor did not respond to the notice of demand issued by the Operational Creditor in the form of making any payment. The Corporate Debtor did not file counter inspite of granting several adjournments. The Counsel

7/1/20

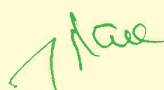
for the Corporate Debtor did not appear thereafter. Hence it can be understood that the Corporate Debtor does not have anything to submit in opposition to the contentions made by the Operational Creditor.

5. Hence I am of the considered view that it is a fit case to admit and order initiation of Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor. The Operational Creditor did not suggest any name as Insolvency Resolution Professional (IRP) and sought the Tribunal to appoint an IRP. Hence **Mr. Immaneni Eswara Rao**, (Registration No. **IBBI/IPA-001/IP-P01224/2018-2019/11943**), is appointed as the Interim Resolution Professional.

ORDER

The Company Petition is admitted *ex-parte*. The Corporate Insolvency Resolution Process of the Corporate Debtor shall commence from this date and shall be completed within 180 days hence.

- i. **Mr. Immaneni Eswara Rao**, (Registration No. **IBBI/IPA-001/IP-P01224/2018-2019/11943**), having office at 40-26-22, Mohiddin Street Opp. BSNL Exchange, Labbipeta, MG Road Vijayawada, Krishna District, Andhra Pradesh -520010; e-mail: **ier_ca@outlook.com**; Mobile:**9248123333** is appointed as the Interim Resolution Professional. No disciplinary proceeding is pending against him as per the IBBI website. He is directed to file his written consent in Form No. 2 forthwith.
- ii. He is directed to take charge of the Corporate Debtor's management forthwith and take necessary steps in furtherance of



the CIRP in terms of Sections 13(2), 15, 17, 18 and 20 of Code and Rules made thereunder.

- iii. Moratorium in respect of the Corporate Debtor is hereby declared in terms of Section 14 of the Code.
- iv. The Directors, Promoters or any other person(s) associated with the management of Corporate Debtor shall extend all assistance and cooperation to the IRP as stipulated under section 19 of the Code for effectively discharging his functions under the Code.
- v. The Registry shall communicate the order to the Operational Creditor and the Corporate Debtor forthwith.
- vi. The Operational Creditor and the Registry shall send the copy of this order to IRP for necessary compliance.



**JUSTICE TELAPROLU RAJANI
MEMBER JUDICIAL**

Swamy Naidu