

IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH

CP(IB).NO.06/BB/17

Under Sub-Clause (C) of Sub-Section 5 of
Section 60 of the Insolvency & Bankruptcy Code, 2016

IN THE MATTER OF
SUBODHA ENTERTAINMENTS COMPANY
AND
IN THE MATTER OF MR. THIRUPAL GORIGE
AND
IN THE MATTER OF
JACKONBLOCK FACILITY SERVICES PRIVATE LIMITED

Order delivered on: 24th January, 2018

Coram: Hon'ble Shri Ratakonda Murali, Member (Judicial)
Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

BETWEEN

Subodha Entertainments Company
SLV Residency (SH), Gobbala Main road,
Subramanyapura Post, Uttarahalli,
Bangalore-560061

- Operational Creditor/Petitioner

AND

Jacksonblock Facility Services Private Limited,
Site No.22, Katha No.25, 3rd Floor,
Above Dena Bank, Sharada Nagar, Vasanthapura Main Road,
Uttarahalli Hobli,
Bangalore-560061

- Corporate Debtor/Respondent

Parties Present: Shri.Thirupal Gorige, PCS (Resolution Professional)
No.87, 2nd Floor, 21st Cross, 7th Main, NS Playa, BTM
Layout, 2nd Stage, Bangalore-560 076.

Per: Hon'ble Shri Ratakonda Murali, Member (Judicial) - Author

Heard on: 06/12/2017, 11/12/2017 & 22/01/2018.

ORDER

The Resolution Professional Mr. C.S. Thirupal Gorige has filed Memo dated 17th January 2018. The contents of the Memo that, this Tribunal has passed an order dated 18th December 2017 confirming the appointment of Mr. C.S. Thirupal Gorige as Resolution Professional and also extended the period of Resolution Process by another 90 (Ninety) days, as 180 days were expired by 14th October 2017. He has further averred that, the Corporate Insolvency Resolution Process was extended by another 90 (Ninety) days with effect from 14th October 2017.



It is further averred in the Memo that, Resolution Professional had convened 3rd Meeting of Committee of Creditors on 10th January 2018 which was attended by only one Financial Creditor viz., Canara Bank represented by its Chief Manager Sri C.S. Prasanna Murthy and Shri Krishna Sharma Venkatesh, Director of Corporate Debtor. These persons attended the meeting and no other financial creditor was present. He further averred that, due to non availability of quorum, the meeting was adjourned to the next date.

He further averred that on 11th January 2018, the adjourned meeting was conducted in which Canara Bank represented by its Chief Manager, Financial Creditor was alone present. He averred that, as per Regulations 22(3) of Insolvency & Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, the members present deemed to be the quorum for the adjourned meeting and thus the proceedings of the meeting were initiated by him. The Minutes of the meeting and the adjourned meeting are shown as **Annexure-1**.

As per Regulations 21(3)(b) of the IBBI Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (CIRP Regulations) as the vote of the Members of Committee of Creditors would not take place at the meeting, if all members of Committee of Creditors were not present, thus the vote was conducted through electronic means of CDSL, Platform starting from Friday the 12th day of January 2018 till Saturday the 13th January 2018. He also averred that, information relating to conducting of E-voting to pass necessary resolutions was communicated to all the Financial Creditors of the Corporate Debtor. Mail communication copy is annexed as **Annexure-2**.

He is requesting the Tribunal to pass order for initiation of liquidation proceedings under section 33 of I & B Code against Corporate Debtor.

We have seen the Memo of Resolution Professional. In this case it is clear from the Memo that the Adjudicating Authority has not received any Resolution Plan under section 30(6) of I & B Code. The Committee of Creditors has also not submitted any Resolution Plan to the Resolution Professional. As seen from the

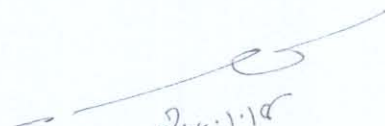


Memo, the Resolution Professional has convened 3 (three) Meetings of committee of Creditors. In the 3rd Meeting also no resolution was passed nor any Resolution Plan submitted. Thus Adjudicating Authority has not received any Resolution Plan from any persons or from the Committee of Creditors. Therefore, the Adjudicating Authority by exercising power under section 33 of I & B Code has to pass order of Liquidation.

Accordingly this Adjudicating Authority passed the following Liquidation order requiring the Corporate Debtor to be liquidate and;

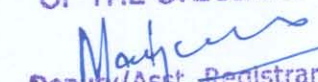
- i.) That the Resolution Professional appointed for the Corporate Insolvency Resolution Process shall act as Liquidator for the purpose of liquidation in pursuant to Section 34(1) of Insolvency and Bankruptcy Code, 2016.
- ii.) That all the powers of the Board of directors, Key Managerial Personnel and the Partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested in the Liquidator.
- iii.) That the Personnel of Corporate Debtor shall extend all assistance and co-operation to the Liquidator as may be required by him in managing the affairs of the Corporate Debtor.
- iv.) Issue a public announcement stating that the Corporate Debtor is in liquidation within 5 days of the receipt of certified copy of this Order;
- v.) The Liquidator appointed shall discharge his functions pursuant to the powers and duties. conferred under Section 35 and other relevant provisions of the Insolvency and Bankruptcy Code, 2016.
- vi.) The fee of the liquidator shall be proportionate to the liquidation estate assets as specified by the Board and it shall be paid from the proceeds of the liquidation estate u/s 53 of the Code.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RATAKONDA MURALI)
MEMBER, JUDICIAL



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OF THE ORIGINAL


Deputy/Asst. Registrar
National Company Law Tribunal
Bengaluru Bench