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**NATIONAL COMPANY LAW TRIBUNAL,
SPECIAL BENCH, CHENNAI**

CP/1331/2018

Under Section 59 of the Insolvency and Bankruptcy Code, 2016 r/w Insolvency and
Bankruptcy Board of India (Voluntary Liquidation Process) Regulations, 2017

In the matter of
M/s.Elnet Software City Limited

Order delivered on 05.12.2018

CORAM:
CH.MOHD.SHARIEF TARIQ, MEMBER (JUDICIAL)
S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

Shri.S.Dhanapal, Applicant/Liquidator (himself present)
Represented by Shri.A.M.Ilango, Advocate

ORDER

Per: S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)

- 1) Under consideration is CP/1331/2018 filed by the Applicant/Liquidator under section 59 of the IBC, 2016 r/w Bankruptcy Board of India (Voluntary Liquidation Process) Regulations, 2017 with the prayer for dissolution of the Corporate person viz., M/s.Elnet Software City Limited, bearing CIN U45209TN2005LC055728 incorporated on 22.03.2005 under the Companies Act, 1956.
- 2) The Board of Directors on 28.08.2017 had convened a meeting to discuss the proposal for voluntary liquidation of the affairs of the Company and declaration thereof made by its Board of Directors. An Extra-Ordinary General Meeting of the members of the Company was held on 01.09.2017 (being the voluntary liquidation commencement

date) to commence the process of voluntary liquidation of the Company under IBC, 2016 and to appoint Mr.S.Dhanapal, Insolvency Professional to act as a liquidator.

- 3) The power of the Board of Directors of the Company were suspended and affairs of the Company were taken over by the Liquidator with effect from 01.09.2017 and the statutory registers and documents were handed over to the Liquidator by the Company on 01.09.2017.
- 4) The Liquidator has given an advertisement with respect to voluntary liquidation "Form A- Public Announcement " pursuant to Regulation 14 of the IBBI (Voluntary Liquidation) Regulations, 2017 issued in the Business Standard and Malai Sudar on 06.09.2017. The copy of the same was sent to the IBBI and the same has also been updated in their website.
- 5) The Resolution Professional/Liquidator has informed the Registrar of Companies, Chennai about the special resolution passed by the Company to liquidate the company voluntarily by filling e-form MGT-14 vide SRN G52238748 on 06.09.2017. The Liquidator has also filed e-form GNL-2 to the Registrar of Companies, Chennai along with an affidavit of majority of Directors to voluntarily liquidate the Company under section 59 of the IBC, 2016 on 08.09.2017 vide SRN G52446309.
- 6) The Resolution Professional/Liquidator has intimated to the State Bank

of India, CAG Branch where the Company is having an account, regarding the initiation of voluntary liquidation process and explained the provisions of the IBC, 2016 i.e., to honour all the Cheques, Bill of Exchange, promissory notes and other negotiable instruments, documents/orders of payment drawn, accepted made or signed only by Liquidator on behalf of Elnet Software City Limited, vide letter dated 20.09.2017.

- 7) Further, as per regulation 9 of the IBBI (Voluntary Liquidation) Regulations, 2017 the Liquidator herein has submitted a Preliminary report to the Company on 14.10.2017. The Liquidator intimated to the concerned Income Tax Office on 14.10.2017 about initiation of Voluntary Liquidation process and about his appointment as Liquidator to obtain the no objection certificate for the liquidation from concerned Income Tax Department as per provisions of Section 178 of Income Tax Act, 1961 and on 16.10.2017, reply was given by the Income Tax department that the arrear position is "nil".
- 8) The Liquidator has arranged an Extra-Ordinary General Meeting of the members of the Company on 26.02.2018 to consider and approve the liquidation expenses till 26.02.2018. The Liquidator has filed an e-form MGT-14 with ROC, Chennai on 08.03.2018 vide SRN G78759206 the extract of EGM to consider and approve the liquidation expenses till 26.02.2018.

9) The Liquidator distributed the balance cash available to shareholders of the Company after carrying out voluntary liquidation and meeting all expenses of liquidation amounting to ₹243063 vide cheque no. 352692 dated 19.03.2018. After meeting all the expenses and distributing the balance cash to shareholder, the Liquidator has submitted a request letter to State Bank of India, CAG Branch for closure of the bank account. The bank has informed the liquidator about the closure of the account on 18.04.2018.

10) As per Regulation 38 of the IBBI (Voluntary Liquidation Process) Regulations, 2017, the accounts of the liquidation, showing receipts and payments pertaining to liquidation since the liquidation commencement date has been audited. Further, the Liquidator has issued final report under regulation 38 of IBBI (Voluntary Liquidation Process) Regulations, 2017. An e-mail has also been sent to the IBBI submitting the final report on voluntary liquidation of the Company in compliance with section 59 of the Code. The same has been submitted to ROC in e-form GNL-2.

The Liquidator in the present application has sought for the following;

a) To dissolve Elnet Software City Ltd as the affairs of Elnet Software City Ltd have been completely wound up and its assets are completely liquidated and distributed to stakeholders and that Elnet Software City Ltd shall be dissolved from the

date of order of this Hon'ble Tribunal

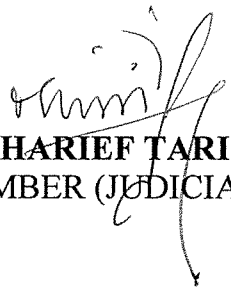
b) And pass such other orders as this Honourable Tribunal may deem fit and proper in the circumstances of the case and thus render justice.

In view of the details noted above and the necessary compliances which have been made by the Company and the liquidator, this Tribunal in exercise of the powers conferred under section 59(8) of the IBC, 2016 do hereby order the dissolution of the corporate person viz., M/s.Elnet Software City Limited, from the date of this order i.e. 05.12.2018 and the corporate person stands dissolved. Consequently the liquidator stands relieved.

The registry is directed to forward a copy of this order within 14 days to the ROC with which the corporate person is registered.

Accordingly, CP/1331/2018 stands **disposed of**.


(S.VIJAYARAGHAVAN)
MEMBER (TECHNICAL)


(CH.MOHD.SHARIEF TARIQ)
MEMBER (JUDICIAL)

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