

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

MA 512/2017 in CP(IB)- 1105/MB/2017

Under section 33(2) of the IBC, 2016

In the matter of

Maresh Sureka
Resolution Professional

Applicant

Deep Water Services (India) Ltd.
Corporate Debtor

Order delivered on 27.03.2018

Coram: Hon'ble Mr. B.S.V. Prakash Kumar, Member (Judicial)
Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Applicant : Maresh Sureka
Resolution Professional

Per V. Nallasenapathy, Member (Technical)

ORDER

Order pronounced on 20.03.2018.

1. Mr. Maresh Sureka, the Resolution Professional of Deep Water Services (India) Ltd. filed this Application under sections 33(2) of the Insolvency & Bankruptcy Code (the Code), 2016 seeking liquidation of the Corporate Debtor on the basis of a resolution passed by CoC.
2. The Corporate Debtor M/s. Deep Water Services (India) Ltd. was put on Insolvency Resolution process, on a Petition filed under section 9 of the Code, by an Order of this Adjudicating Authority dated 20.9.2017. The Applicant herein was appointed as Interim Resolution Professional and he has made a public announcement of insolvency resolution process on 22.9.2017. The Applicant further stated that due to the non-cooperation of the Promoters, there was some delay in getting the details of the Corporate Debtor. He further stated that he has received some information but still lots of working are pending.
3. He further submits that he has prepared the information Memorandum and last audited Balance Sheet on the data made

available to him. He further submits that he could not appoint Valuer, Accountant, etc. to raise the interim finance.

4. The Applicant subsequently on 29.12.2017, filed a Valuation Report prepared by P.Kanaka Rao wherein it was stated that the fixed Assets will fetch around ₹5 crores approximately and the stock will fetch around ₹2 crores to ₹4 crores. During the hearing he submitted that the Assets of the company may fetch more than the Valuation shown in the said Valuation Report. Regulation 27 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate person) Regulations 2016 requires that the Interim Resolution Professional shall appoint two Registered Valuers to determine the liquidation value of the Corporate Debtor in accordance with Regulation 35. However, in the case only one Valuer was appointed. Hence this Bench asked him why he has not chosen to get one more Valuation Report, as provided under the above said Regulation, he could not give a satisfactory answer to this Bench.

5. The Applicant submits that there are no Financial Creditors and the CoC comprising of Operational Creditor in the meeting held on 9.12.2017 decided to liquidate the Corporate Debtor and also decided that the Resolution Professional shall act as a Liquidator of the Corporate Debtor.

6. On hearing the submissions of the Applicant and on reading the Application and the documents enclosed therein, we are of the view that this case is fit to pass liquidation order as mentioned under sub-section 2 of section 33 of the Code and accordingly, the Corporate Debtor is ordered to be liquidated.

7. Consequently, the Applicant Resolution Professional is appointed as the Liquidator as provided 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 in the liquidator;

8. This Bench hereby directs the personnel of the corporate debtor to extend all assistance and cooperation to the liquidator as



may be required by him in managing the affairs of the corporate debtor.

9. Since Liquidation order has been passed no suit or other legal proceedings shall be instituted by or against the Corporate Debtor, save and except as mentioned in section 52 of the Code, as to institution of legal proceedings by the Liquidator, he is at liberty to initiate suit or legal proceedings with prior approval of this Adjudicating Authority, but this direction shall not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

10. This order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of business the Corporate Debtor carrying.

11. We hereby direct that the fee shall be paid to the Liquidator as envisaged under Regulation 4 of IBBI (Liquidation Process) Regulations, which forms part of the liquidation cost.

12. The Liquidator appointed herein is directed to issue public announcement stating that the Corporate Debtor is in liquidation and also required to send the copy of this Order to the concerned Registrar of Companies as required under section 33(1) of the Code.

13. The Liquidator is directed to be careful in liquidating the company by following the provisions of I&B Code and the Regulations connected with liquidation without fail.

14. Accordingly, this Application is hereby allowed directing the Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of Insolvency and Bankruptcy Code 2016 by following the liquidation process given in IBBI (Liquidation Process) Regulations 2016.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B. S.V. PRAKASH KUMAR
Member (Judicial)

3



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On 28/03/2018

Assistant Registrar
National Company Law Tribunal Mumbai B