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**IN THE NATIONAL COMPANY LAW TRIBUNAL,
SINGLE BENCH, CHENNAI**

*MA/323/2019 in CP/341/(IB)/2018
filed by the Resolution Professional viz.,
Mr. C. Ramasubramaniam under Section
33(2) and Section 60 of the Insolvency
and Bankruptcy Code, 2016.*

In the matter of **M/s. South Indian Mint and Aromatic Products Limited**

Mr. C. Ramasubramaniam
Resolution Professional

... Applicant

Order delivered on 10th of April, 2019

CORAM:

CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)

For Resolution Professional : Mr. C. Ramasubramaniam, in person

ORDER

Per: CH.MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)

1. MA/323/2019 in CP/341/(IB)/2018 has been presented by the Resolution Professional viz., Mr. C. Ramasubramaniam, under Section 33(2) of the Insolvency and Bankruptcy Code, 2016, (in short 'I&B Code, 2016').

2. The prayers made by the Applicant in the Application are, as under: -

“a. That this Hon’ble Tribunal may be pleased to pass an order of liquidation and appoint the Applicant as the Liquidator of South Indian Mint and Aromatic Products Limited.

b. That all and any consequent orders pursuant to the order of liquidation of the said South Indian Mint And Aromatic Products Limited be passed.

c. For costs, and for such other and further reliefs as the nature and circumstances of the case may require.”

3. Originally, M/s. Gangai Earth Movers (Operational Creditor) has filed an Application under Section 9 of the I&B Code, 2016 against M/s. South Indian Mint and Aromatic Products Limited (Corporate Debtor) to initiate the Corporate Insolvency Resolution Process (CIRP)

against the Corporate Debtor, declare moratorium and appoint Interim Resolution Professional (IRP). This Adjudicating Authority vide its Order dated 04.06.2018, admitted the Application and initiated the CIR Process against the Corporate Debtor viz., M/s. South Indian Mint and Aromatic Products Limited, declared Moratorium and one Mr. Vasudevan Gopu was appointed as IRP.

4. It is averred that in the 2nd Meeting of CoC held on 23.08. 2018, the Applicant viz., Mr. C. Ramasubramaniam was proposed as Resolution Professional by the CoC and he was appointed as RP by this Authority vide its Order dated 28.09.2018.

5. It is further averred that the Resolution Professional has received the claim for an amount of Rs.8,16,66,706.49 (Rupees Eight Crore Sixteen Lakhs Sixty Six Thousands Seven Hundred and Six and Forty Nine Paise only) due to the Financial Creditor viz., IDBI

against the Corporate Debtor which was admitted by the Resolution Professional and no other creditor has submitted the claim.

6. It is stated that the Corporate Debtor viz., M/s. South Indian Mint and Aromatic Products Limited is dealing in research and development, including clinical trials on Aromatherapy materials/practice/products and processes. Several Aromatherapy products will also be developed after conducting research on their application part. Besides these new applications of Aromatherapy products, it will examine for covering wide product range and options for application. The part of generating raw materials for essential oils will also be taken care of to gear completeness of programme right from the generation of raw material to product development and application part. Various sectors such as cosmetics, toiletries, pharmaceuticals and others will be utilized for process, product and application, wherever possible, IPR/Patent will be filed. This activity will involve a team

of Scientist, Technologist, Doctors and Medical experts and Professional farmers, generate, collaborate, Research and develop products in research institution-academic-industry on Aromatherapies from entrepreneurs. Good Cultivation Practitioners (GCP) through Good Manufacturing Practice (GMP).

7. It is averred that the Resolution Professional had invited for 'Expression of Interest' ('EoI') vide newspaper publication dated 03.01.2019 for submission of the Resolution Plans from the prospective Resolution Applicants by mentioning the last date as 17.02.2019. However, the Resolution Professional had not received any Resolution Plan till the last date of submission i.e. 17.02.2019.

8. It is stated by the Resolution Professional that since no Resolution Plan was received and the period for CIR Process expired on 01.03.2019, the CoC in its 5th Meeting held on 04.03.2019 has decided to liquidate the business

of the Corporate Debtor. The Resolution passed by the CoC is as follows:

RESOLVED THAT subsequent to the decision taken by the Committee of Creditors at this Fifth meeting of Committee of Creditors, the Corporate Debtor "SOUTH INDIAN MINT AND AROMATIC PRODUCTS LIMITED" be liquidated and the Resolution Professional is authorized to apply with the Honourable National Company Law Tribunal, Chennai Bench for the liquidation of the Corporate Debtor under Section 33(2) of the IBC 2016."

9. Accordingly, the Resolution Professional has filed the present MA/323/2019 in CP/341/(IB)/2018 for liquidation of the Corporate Debtor viz. M/s. *South Indian Mint and Aromatic Products Limited* and to appoint the Applicant as Liquidator. Since, no Resolution Plan has been received by this Authority under Sub-section (6) of Section 30 of the I&B Code, 2016, before the expiry of the

maximum period of 270 days of CIR Process, the Corporate Debtor has to be ordered for Liquidation.

ORDER

10. In view of the facts and circumstances recorded by Resolution Professional in MA/323/2019 in CP/341/(IB)/2018 and in exercise of powers conferred under Sub-Clauses (i) (ii) and (iii) of Clause (a) of Sub-Section (1) of Section 33 of the I&B Code, 2016, this Authority proceeds to pass Liquidation Order as follows:-

- I. This Authority orders for liquidation of the Corporate Debtor viz., M/s. *South Indian Mint and Aromatic Products Limited*.
- II. This Authority appoints the Resolution Professional viz., Mr. C. Ramasubramaniam as Company Liquidator, who shall issue a public announcement stating therein that the Corporate Debtor is in liquidation;

- III. The moratorium declared under Section 14 of the I&B Code, 2016, shall cease to have effect from the date of the order of liquidation;
- IV. Subject to Section 52 of the I&B Code, 2016, no suit or other legal proceedings shall be instituted by/or against the Corporate Debtor. However, a suit and other legal proceedings may be instituted by the Liquidator, on behalf of the Corporate Debtor, with the prior approval of this Authority.
- V. This Authority makes it clear that para (IV) hereinabove shall not apply to legal proceedings in relation to such transactions as notified by the Central Government in consultation with any financial sector regulator.
- VI. This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of

the Corporate Debtor is continued during the liquidation process by the Liquidator.

VII. 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 with the Company Liquidator viz., Mr. C.Ramasubramaniam.

VIII. The personnel of the 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.

IX. The Company Liquidator shall be entitled to charge such fees for the conduct of the liquidation proceedings and in such a proportion to the value of the liquidation estate assets as specified under Regulation 4 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

X. Copy of this Order shall be sent to the concerned Registrar of Companies, RD, OL, and Registered Office of the Corporate Debtor by the Company Liquidator viz., Mr. C. Ramasubramaniam, for information and compliance.

11. In terms of the above, MA/323/2019 in CP/341/(IB)/2018 filed by the Resolution Professional under Section 33(2) of the I&B Code, 2016, for initiation of the Liquidation Proceedings against the Corporate Debtor viz., M/s. *South Indian Mint and Aromatic Products Limited*, stands **disposed of**.

12. The Registry is directed to send a copy of this Order to the Company Liquidator with immediate effect for information and compliance.

13. Order is pronounced in open Court.

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[CH.MOHD SHARIEF TARIQ]
MEMBER (JUDICIAL)

P. ATHISTAMANI