



		Resolution Professional (Mr. Santanu T Ray) (" <b>IRP</b> ") was appointed.
2.	30.1.2018	The IRP was confirmed as RP in the first meeting of Committee of Creditors.
3.	6.2.2018	An expression of Interest inviting resolution plans from prospective investors and resolution applicants had been published in Free Press Journal and Navshakti.
4.	21.3.2018	Another advertisement inviting resolution plans from prospective investors and resolution applicants had been published in Active Times and Mumbai Lakshwadeep.
5.	10.4.2018	The Resolution Professional had received interest from one, M/s. Eight Capital, an interested Resolution Applicant and thereafter Information memorandum and other relevant documents were shared with them in order to formulate a Resolution Plan.
6.	16.4.2018	M/s. Eight Capital, through an email informed the Resolution professional that they would like to decline from showing further interest in the Corporate Debtor, as the factory has been closed since the last 4 years and that they are not sure that there is a turnaround potential either.
7.	4.4.2018	An Application under Section 25(2)(j) of IBC, 2016 for avoidance of transactions in accordance with Chapter III, 66(1) of IBC, 2016 for fraudulent trading or wrongful trading and for directions under Section 19(2) of the Code before NCLT seeking order for the Key Managerial Personnel of Corporate Debtor to assist and cooperate with the applicant during the CIRP.

8.	7.5.2018	In the third meeting of CoC the Agenda No.2 which was "To approve and initiate Liquidation of the Corporate Debtor" was proposed before the COC member and was then unanimously approved by the CoC
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3. This applicant appointed two Registered Valuers under Regulation 27 of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for determination of Liquidation value of the assets of the Corporate Debtor in accordance with Regulation 35 of IBBI (IRPCP). Since these Valuers filed valuation reports on 26.2.2018 and 6.6.2018 respectively, this RP determined the average valuation of two Valuers as Rs.33,69,27,560. The valuation reports were placed before the COC in its 3<sup>rd</sup> meeting held on 7.5.2018.

4. Basing on the Expression of Interest, the Resolution Applicant namely Eight Capital submitted a proposal on 10.4.2018. Thereafter, the Resolution Professional, vide an email dated 12.4.2018 informed the Resolution Applicant that the factory has been closed for the last 4 years and that no manufacturing activities are taking place currently. He further informed the Resolution Applicant that the Corporate Debtor has not maintained a fixed assets register and it was not made available to him till date. The Resolution Professional invited the Resolution Applicant to visit the factory of the Corporate Debtor.

5. The Resolution Applicant vide an email dated 16.4.2018 informed the Resolution Professional that they would like to decline from showing further interest in the Corporate Debtor, as the information available is not sufficient and also that the factory is closed since last 4 years so they are not sure that there is a turnaround potential either.

6. Since no Resolution Applicant came forward except the aforesaid Resolution Applicant, the CoC in its third meeting held on 7.5.2018 passed a resolution authorising the Resolution Professional to file the application for liquidation of the company and appointment of liquidator.

7. On having the COC approved for liquidation of this company with 99.99% voting share, the RP filed this application for approval of this Bench under Section 33 of the IBC, 2016.

8. Looking at the application filed by the RP, it appears that 180 days were over on 17.6.2018 whereby basing on the COC approval dated 7.5.2018 for liquidation, this applicant has filed this application before this Bench.

9. In view of the reasons aforementioned, this Bench being satisfied of the application moved by the Resolution Professional for approval of the liquidation order against this company to liquidate it, this Bench hereby orders as follows:

- a. This Bench hereby orders the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing a Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to RoC under which this Company has been registered.
- b. As to appointment of Liquidator, the CoC approved the name of the Resolution Professional to be appointed as the Liquidator, therefore, the Resolution Professional i.e. the applicant herein is hereby directed to act as a Liquidator for the purpose of liquidation with all powers of the Board of Directors, key managerial persons and the partners of the Corporate Debtor shall cease to have effect and hereby vested in the Liquidator. The personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as may be required by him in managing the affairs of the Corporate Debtor. The Insolvency Professional appointed as Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified under Regulation 4 of Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016 and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
- c. Since this liquidation order has been passed, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor

without prior approval of this Adjudicating Authority save and except as mentioned in sub-section 6 of Section 33 of the Code.

d. This liquidation order shall be deemed to be notice of discharge to the officers, employees and workmen of the Corporate Debtor except to the extent of the business of the Corporate Debtor is continued during the liquidation process by the Liquidator.

e. The moratorium declared vide order dated 19.12.2017 ceased to exist.

10. Accordingly MA 597/2018 is allowed. The Registry is hereby directed to communicate this order to the parties, within seven days from the date order is made available.

SD/-

RAVIKUMAR DURAISAMY  
Member(Technical)

SD/-

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