

**BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT 1**

IA No. 132 of 2020 in CP (IB) No. 37/10/NCLT/AHM/2017

**Coram: Hon'ble Mr. MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)
Hon'ble Mr. VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE
NATIONAL COMPANY LAW TRIBUNAL , AHMEDABAD BENCH ON 11.09.2020**

Name of the Company: Nitin Jain Resolution Professional
(For PSL Ltd.)
V/s
Ashok Punj & Ors.

Section: Section 33(1) (a) the Insolvency & Bankruptcy Code,
2016

ORDER

The case is fixed for pronouncement of order.

The Order is pronounced in the open court, vide separate sheet.


**(VIRENDRA KUMAR GUPTA)
MEMBER (TECHNICAL)**


**(MADAN B GOSAVI)
MEMBER (JUDICIAL)**

Dated this the 11th day of September 2020.

**BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT -I**

**I.A. No. 132 of 2020
IN
CP(IB) No. 37/10/NCLT/AHM /2017**

In the matter of :

[An Application filed under Section 33 of the Insolvency & Bankruptcy Code, 2016 ("IB Code/Code") for initiation of liquidation proceedings of the "Corporate Debtor"]

In The Matter Of:

Mr. PSL Limited,
having its registered office at:
Kachigam, P.B. No.25,
Daman -396210,
Daman & Diu (UT)

...Petitioner/Corporate Debtor

V/s.

EDELWEISS ASSETS RECONSTRUCTION CO. LTD. & ORS.

....Respondent/Creditors

In The Matter Between:

NITIN JAIN
Resolution Professional of PSL Limited
Partner AAA Insolvency Professional LLP
E-10A, Kailash Colony
Delhi-110048

...Applicant/RP

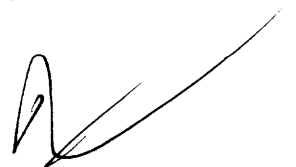
V/s.

ASHOK PUNJ
19-20, Lotus Court,
Jamshed Ji Tata Road,
Mumbai-400020

...Respondent No.1

R.K. BAHRI
38, Sunset Heights,
Pali Hill, Bandra (West),
Mumbai-400050

...Respondent No.2



C.K. GOEL
Plot No.55, Ward-2/B,
Adipur, Gujarat -370205

...Respondent No.3

MANJULA N. BHATIA
C-602,6th Floor, Pluto, Vasant Galaxy,
Bangur Nagar, M.G. Road,
Extn. Goregaon, Mumbai-400104

...Respondent No.4

Order Pronounced on 11th September, 2020

**Coram: MADAN B GOSAVI, MEMBER(J)
VIRENDRA KUMAR GUPTA, MEMBER (T)**

Appearance:

Learned Senior Counsel Mr. Saurabh Soparkar for the RP.

Learned Resolution Professional present in person

Learned Senior Counsel Mr. Navin Pahwa for the Suspended management.

Learned Counsel Mr. Baiju Bhagat for CoC.

ORDER

[Per: VIRENDRA KUMAR GUPTA, Member (T)]

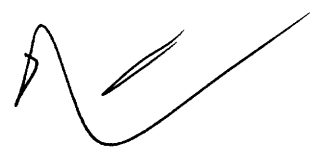
1. The present Interlocutory Application is filed by the Resolution Professional seeking for passing an Order of liquidation under Section 33(1)(a) of the Insolvency & Bankruptcy Code, 2016 for initiation of Liquidation Process of PSL Limited, the Corporate Debtor.

2. The brief facts are that :

- I. This Adjudicating Authority admitted Corporate Debtor in to Corporate Insolvency Resolution Process vide its order dated 15.02.2019 and appointed the Applicant as "IRP" and he made the

Public announcement inviting claims of the Creditors as required under Insolvency & Bankruptcy Code, 2016.

- II. Mr. Nilesh Sharma was appointed as "IRP", however, subsequently, CoC replaced him and appointed Mr. Nitin Jain as "RP", which was also confirmed by this Authority.
- III. The Resolution Professional conducted the CIRP as per the Rules and fixed the last date of inviting Expression of Interest(EoI) as 03.01.2020.
- IV. The process of Expression of Interest has been conducted for four times during the CIRP. Form -G was published on 19.02.2020 approved in the Seventh meeting of Committee of Creditors for inviting Expression of Interest.
- V. In 10th meeting of Committee of Creditors held on 06.01.2020, it was informed that no EOI/RP had been received, which ultimately, led to passing of resolution with 93.43% voting to go for Liquidation of the Corporate Debtor and in the same meeting the Resolution Professional Mr. Nitin Jain was approved as the "Liquidator". Further, the Resolution Professional was Authorised to file the Application before this Adjudicating Authority under Section 33 (1) (a) of the Insolvency & Bankruptcy Code, 2016.



- VI. We heard Learned Counsel and perused material available on record. It is noted that CIRP in-spite of extension given twice has failed to get Resolution Plan. It is also noted that CIRP has been conducted over the period of 330 days, however, without any result.
- VII. In this background, the Committee of Creditors has passed the Resolution for liquidation of the Corporate Debtor in terms of provision of 33(1) (a) of the Insolvency & Bankruptcy Code, 2016.
- VIII. Considering the above facts, we are of the view that there is no other alternative, hence, we approve the resolution passed by the Committee of Creditors and initiate the Liquidation proceedings against the Corporate Debtor. However, we make it clear that, the Liquidator, as desired by the Committee of Creditors shall first try to sell the Corporate Debtor as a going concern. We also confirm the appointment of Resolution Professional as "Liquidator".

ORDER

1. We hereby pass the order of liquidation of the Corporate Debtor Company **PSL Limited** Consequently, we allow IA No. 132 of 2020. The Liquidation of the Corporate Debtor is effective from the date of this order.


2. The Moratorium declared vide order dated 15.02.2019 in CP(IB) No.37/10/NCLT/AHM/2017, henceforth, ceases to exist.
3. As per the Section 34(1) of the I.B. Code, the Applicant/ Resolution professional, **Mr. Nitin Jain,** **(Registration No. IBBI/IPA-001/IP-P01562/2019-20/12462),** is hereby appointed as a 'Liquidator' of the company **PSL Limited** having CIN No. L67120DD1987PLC002395, which has been duly approved by CoC in its 10th meeting dated 06.01.2020.
4. All the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter cease to exist. All these powers henceforth, vest with the Liquidator.
5. The personnel(s) of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor. Further, the liquidator shall also provide all co-operation to various Government Agency(s)/Authority(s) in ongoing investigations/inquiry or inquiries initiated hereafter.




6. The Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
7. That once having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suite or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority as mentioned in Sub-Section 6 of Section 33 of the I.B. Code.
8. The Liquidator shall take necessary legal action to recover the trade receivables and other credits such as loans and advances from the parties which are reflected in the latest balance sheet of the Corporate Debtor, if any. This direction is hereby given in concurrence of the jurisdiction prescribed under Section 33(5) of the Code.
9. This liquidation order shall be a 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 continued during the liquidation process by the Liquidator.

10. The Registry is directed to upload this order on the Official Website within maximum two working days from the date of this order. The authenticated copy of this order also be sent by the registry to the Financial Creditor, Corporate Debtor, Registrar of the Company, Resolution Professional cum Liquidator by Speed-post within one week from this order.
11. **Accordingly, I.A. No. 132 of 2020 along with main CP(IB) No. 37 of 2017 stands disposed of.**


(VIRENDRA KUMAR GUPTA)
MEMBER (T)


(MADAN B GOSAVI)
MEMBER (J)

Signed on this, the 11th September, 2020

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