

NATIONAL COMPANY LAW TRIBUNAL
COURT-V, MUMBAI BENCH

5.IA(I.B.C)/140(MB)2021

In

C.P. (IB)/3749(MB)2018

CORAM:

SMT. ANURADHA SANJAY BHATIA,
MEMBER (T)

SMT. SUCHITRA KANUPARTHI,
MEMBER (J)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **24.11.2021.**

NAME OF THE PARTIES: KHANNA DELTA STEEL PVT LTD
Vs.

SHIV MANUFACTURING PIPES PVT LTD

SECTION :Sec 33(1) (b) (i) to (iii) r/w Sec 33(3)of IBC 2016

ORDER

1. Mr. Ayush Rajani, PCA is present on the side of the Applicant.
2. This is an application filed seeking Liquidation of the Corporate Debtor Company. The order of admission was passed on 25.10.2019 against the Corporate Debtor.
3. The public announcement was issued on 22.11.2019 to receive claim from the Creditors. The counsel for the Applicant pointed out that three parties have filed their Expression of Interest (EOI) out of whom two were found to be compliant. However, the Khanna Delta Steel Pvt. Ltd. had submitted Resolution plan and has withdrawn the said plan .
4. The applicant has also pointed out the Registered valuers were appointed who submitted the fair value/ Liquidation value of the Corporate Debtor at para 9 of the Application.
5. The COC in its 7th meeting held on 07.01.2021 have considered the aspect that the M/s. Khanna Delta Steel Pvt. Ltd. have withdrawn the EOI and therefore a conscious decision to Liquidate the

Corporate Debtor company was taken and Resolution with 100% voting was passed to that effect.

6. The sole CoC member have also forwarded the consent of the Liquidator i.e. Mr. Sandeep Maheshwari who has consented to be appointed as the Liquidator in the said matter.
7. This bench approves the appointment of Mr. Sandeep Maheshwari as the Liquidator in the matter.
8. It was pointed out that there is balance payment of erstwhile RP's fees and the COC is directed to consider the said fees as per law.
9. This Bench orders;
 - a. that the Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the ROC under which this Company has been registered.
 - b. that the Resolution Professional herein is hereby appointed as Liquidator as provided under Section 34(1) of the Code.
 - c. all the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter ceased to exist. All these powers henceforth vest with the Liquidator.
 - d. that the personnel 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.
 - e. that the Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by the IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
 - f. that on having liquidation process initiated, subject to section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suit or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority.
 - g. 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. 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;
11. Accordingly, this IA(I.B.C)/140(MB)2021 is hereby allowed directing the Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

Sd/-

ANURADHA SANJAY BHATIA
Member(Technical)

Sd/-

SUCHITRA KANUPARTHI
Member(Judicial)

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