(2020) 01 NCLT CK 0087

In the National Company Law Appellate Tribunal

Case No : Company Application No. 632 Of 2019 In (IB) No. 989/(ND) Of 2018

Ashish Singh APPELLANT

Vs

VTL (IINDIA) Ltd. And Ors RESPONDENT

Date of Decision : 07-01-2020

Acts Referred:

Insolvency And Bankruptcy Board Of India (Liquidation Process) Regulations, 2016 — Regulation 12, 14, 34(2)
Insolvency And Bankruptcy Code, 2016 — Section 9, 54(2)

Citation : (2020) 01 NCLT CK 0087

Hon'ble Judges : Mohd Sharief Tariq, J;Hemant Kumar Sarangi, Member (Technical)

Bench : Division Bench

Advocate : Lakshay Dhamija, Karan Gandhi, Sunav Rastogi

Final Decision : Disposed Of

Judgement

Hemant Kumar Sarangi, Member (T)

1. The present Application, being CA No. 632/2019 is being preferred by Mr. Ashish Singh, the (â??the Liquidatorâ?), in the matter of M/s VTL

(India) Ltd. (â??the Corporate Debtorâ??).

2. Under the present application the following reliefs have been prayed for:-

a. To Pass an order for early dissolution of the Corporate Debtor to be liquidated in the manner as laid down under Regulation 14 of IBBI (Liquidation

Process) Regulation, 2016;

b. To exempt liquidator from the compliance of all other obligations as prescribed in Insolvency and Bankruptcy Code, 2016 read with IBBI

(liquidation Process) Regulation, 2016

a. To Pass such other orders and further orders as this Honâ??ble Tribunal seems fit in the circumstances.

3. That from the record, it is evident that one Mr. Naveen Malhotra had approached this Honâ??ble Tribunal with an application under section 9 of

the IBC, 2016. Vide judgment dated 27.09.2018, this Honâ??ble Tribunal had admitted the said application and appointed Mr. Ashish Singh as the

Interim Resolution Professional (IRP).

4. Further, records reveal that, the liquidation proceedings commenced vide order dated 08.08.2019 passed by this Tribunal, for initiating liquidation

proceedings of M/s VTL (India) Limited, the Corporate Debtor. In the same order dated 08.08.2019, the Resolution Professional was appointed as

liquidator. The said liquidation order also directed liquidator to carry out and perform such acts and deeds which are required under provisions of the

Insolvency & Bankruptcy Code, 2016. The Public Announcement with respect to Corporate Debtor under liquidation was made on 26.08.2019 in

prescribed Form B in Financial Express (In English Language) and Jansatta (In Hindi Language) in compliance of Regulation 12 of IBBI (Liquidation

Process) Regulation, 2016.

5. The Applicant states that, the last date of receipt of claim was 21.09.2019, two claims were received from Operational Creditors. One claim was of

Asstt. Commissioner of Income Tax, received on 14.09.2019 for an amount of Rs. 1,50,63,67,881/-, the second claim was by the Office of

Commissioner of Customs (Exports), received on 16.09.2019 for an amount of Rs. 2,78,50,532/-.

6. It has further been stated by the Applicant, that the audited annual accounts for the financial year ended 31.03.2019 and provisional balance sheet

of Corporate Debtor as on liquidation commencement date 22.08.2019 provides that there are no assets of the Corporate Debtor from last more than

10 years. The copy of audited balance sheet for financial year ended 31.03.2019 and provisional balance sheet till 22.08.2019 have been annexed.

There are two financial creditors coming in the books of Corporate Debtor which are State Bank of India and Canara Bank. The liability as per last

audited balance sheet as on 31.03.2019 of SBI and Canara Bank are coming to Rs. 5,30,07,270/-and Rs. 7,03,38,258/- respectively, however no claims

were received from said financial creditors during CIRP period despite many individual notices.

7. It has also been stated by the applicant that, since there are no assets in Corporate Debtor as per the Balance Sheet for the F.Y. ended 31.03.2019

and provisional Balance Sheet as on 22.08.2019, therefore asset memorandum of the Corporate Debtor cannot be prepared in terms of Regulation

34(2) of IBBI (Liquidation Process), 2016.

8. In view of the above and the other details it is clear that the realizable assets of the Corporate Debtor are insufficient to cover the cost of liquidation

process and that the affairs of the Corporate Debtor do not require any further investigation. Hence, this Authority in exercise of the powers

conferred under Sub-section (2) of Section 54 of the I & B Code, 2016, read with Regulation 14 of IBBI (Liquidation Process) Regulation, 2016,

hereby orders the dissolution of the Corporate Debtor, viz, M/s VTL (India) Limited, from the date of this order and the Corporate Debtor stands

dissolved. Consequently, the Liquidator stands relieved.

9. The Resolution Professional and the Registry are directed to send the copy of this order within 7 days from the date of pronouncement to the RoC

concerned with which the Corporate Debtor is registered.

10. In terms of the above, the Application stands disposed of.

11. Copy of order be supplied to parties.