(2023) 06 NCLT CK 0095

In the National Company Law Tribunal

Case No : I.A. 577 OF 2023 In C.P.(IB) No. 2534 of 2019

Himgiri Textiles Vs Shirt Company (India) Pvt. Limited ?

Date of Decision : 30-06-2023

Acts Referred:
Insolvency and Bankruptcy Code, 2016 — Section 9, 60(5)
Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 — Regulation 44(2)

Citation : (2023) 06 NCLT CK 0095

Hon'ble Judges : Kuldip Kumar Kareer, Member (J);Prabhat Kumar, Member (T)

Bench : Division Bench

Advocate : Rahul Gaikwad, Nikita Abhyankar, Aman Jhawar, Garima Joshi

Final Decision : Disposed Of

Judgement

Kuldip Kumar Kareer, Member (Judicial)

1. The present Application is filed by the Applicant, namely, Mr. Anuj Bajpai being the Liquidator of the Shirt Company (India) Private Limited (hereinafter referred to as "liquidator") under Section 60(5) of Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "Code") read with Rule 44(2) of IBBI (Liquidation Process) Regulations, 2016 seeking the following reliefs:

a) To allow the present Application;

b) To condone the delay of 13 days in filing the present application;

c) To grant a further period of one year from 22.12.2022 for completing the liquidation process of the Corporate Debtor;

d) For any other and further order as this Tribunal may deem fit.

2. It has been averred in the Application that this Tribunal vide order dated 26.02.2020 admitted the Company Petition no. 2434/MB/2019 filed by Operational Creditor under Section 9 of the Code and Corporate Insolvency Resolution Process (CIRP) was initiated against Shirt Company (India) Pvt. Limited (hereinafter referred to as "Corporate Debtor").

3. Subsequently, on the basis of the Resolution passed by Committee of Creditor in 7th COC meeting for liquidation of the Corporate Debtor, an order of liquidation was passed by this Tribunal vide order dated 22.12.2021 and appointed the Applicant herein as the liquidator.

4. It has been submitted by the Applicant that since the commencement of the liquidation process, the Applicant has conducted 15 e-auction processes. Out of the eight properties mentioned in the Asset Memorandum, the sale of three properties is fully completed whereas the auction of one property at Coimbatore is successful and the complete bid amount was expected to be received on or before 14.01.2023.

5. It has further been submitted by the Applicant that only one immovable property in the form of land and Building remains to be sold in addition to immovable properties such as plant, machinery, furniture and investments.

6. Therefore, in order to complete the liquidation process of the Corporate Debtor, the Applicant has pleaded for extension of one year from 22.12.2022.

7. We have heard the submission made by the Learned Liquidator and perused the documents placed on record. The liquidation of the Corporate Debtor was initiated by this Tribunal in order dated 22.12.2021.

8. Considering the present facts and circumstances mentioned in the application, the Bench is of the considered opinion that it will be just and proper to extend the Liquidation period of Corporate Debtor for further 9 months from 22.12.2022 to 22.09.2023 to enable the liquidator to conclude the process till then. The delay of 13 days in filing the present application is also hereby condoned.

9. The Liquidator, in view of the extension granted as above, is directed to abide by the model timelines for the completion of the remaining incomplete tasks, as prescribed by IBBI in Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and thereby complete the process in all earnest and in accordance with the said Regulations including filing of report as required with this Tribunal.

10. Accordingly, the present Application no. 577 of 2023 is “allowed” and “disposed of” in the aforesaid terms.

