(2019) 09 NCLT CK 0034

In the National Company Law Appellate Tribunal

Case No : (IB) No. 950(PB) Of 2018

L&T Finance Ltd. — APPELLANT

Vs

Cedar Infonet Pvt. Ltd. — RESPONDENT

Date of Decision : 19-09-2019

Acts Referred:
Insolvency And Bankruptcy Code, 2016 — Section 7, 12A

Citation : (2019) 09 NCLT CK 0034

Hon'ble Judges : M.M. Kumar, CJ;Santanu Kumar Mohapatra, Member (Technical)

Bench : Division Bench

Advocate : Nitesh Jain

Final Decision : Disposed Of

Judgement

CA-1861(PB)/2019

1. This is an application under Section 12A with a prayer for withdrawal of the Corporate Insolvency Resolution Process initiated by admission of CP. No. (IB)-950(PB)/2018 which was admitted on 10.07.2019/22.07.2019 under Section 7 of Insolvency & Bankruptcy Code. The application is supported by the CoC minutes dated 13.09.2019 when in its 3rd meeting the CoC considered the issue regarding the liquidation of the corporate debtor or withdrawal of the CIR Process. The resolution for withdrawal was carried by voting share of 93.66% and it was resolved that application for withdrawal under Section 12A be filed and the matter be withdrawn. It was further resolved that the IRP who is deemed to be RP to appear before the Bench along with a legal counsel. Accordingly, the present application has been filed.

2. It is pertinent to mention that initially the petition under Section 7 of Insolvency & Bankruptcy Code was filed by L & T Finance Ltd. who is also the applicant. It was member of the CoC enjoying the voting share of 7.85%. The major shareholding was that of Edelweiss Asset Reconstruction which has voting

share of 85.81%. It has further been stated by the Ld. Counsel for the RP that corporate debtor-Cedar Infonet Pvt. Ltd. has hardly any asset and the aforesaid situation was explained in the first meeting of the CoC by the IRP and the details of the financials and other assets are as under:-

"1. Corporate Debtor is without registered office at present.

2. Certain clarification/details on audited annual accounts are pending from the auditor side. It is expected to be received in 1st week of September.

3. Business of the Corporate Debtor is closed and there are no staff or workers at present.

4. A list of assets of Corporate Debtor as per audited Financials of 2017-18 is as under:

Particular

Value (Amount in Rupees)

Computers

22,512

Furniture & Fixtures

49,102

Office Equipment

33,180

Cash on Hand

4,45,104

Balance in current account with bank

93,077

TOTAL

6,42,975

3. Keeping in view the aforesaid position that the CoC has in its commerical wisdom resolved to permit the withdrawal of the Corporate Insolvency Resolution Process. Ld. Counsel for the RP states that there is no issue of his fees.

4. As a sequel to the above discussion CP. No. (IB)-950(PB)/2018 is permitted to be withdrawn.

5. CA-1861(PB)/2019 and CP. No. (IB)-950(PB)/2018 stands disposed of.

CA-1855(PB)/2019, CA-1856(PB)/2019, CA-1857(PB)/2019, CA-1858(PB)/2019

All applications are disposed of in terms of the order in CA-1861(PB)/2019.