

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

MA 448/2019 in CP(IB)1831(MB)/2017

(Under Section 33 of the IBC, 2016)

Mr Anshuman Chaturvedi

... Applicant/RP

In the matter of

Standard Chartered Bank

...

Financial Creditor

Vs

Bawree Fashions Pvt Ltd.

...

Corporate Debtor

Order delivered on 08.04.2019

Coram:

Hon'ble Shri V.P. Singh, Member (Judicial)

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

For the Applicant: Adv. Mudit Gupta, Adv Ritika Jhangiani, along with Mr Anshuman Chaturvedi, Resolution Professional.

(Dictated in open court)

ORDER

MA 448/2019 has been filed by the Resolution Professional under section 33 of IBC, 2016 for the liquidation of the Corporate Debtor, based on approval of the CoC during Corporate Insolvency Resolution Process.

2. It is stated in the application that the applicant is the Resolution professional appointed to conduct the CIRP of the Corporate Debtor Bawree Fashions Pvt Ltd. It is further stated in the application that CP(IB) 1831/2017 filed by Standard Chartered Bank was admitted by order of this Tribunal dated 25.4.2018 and applicant was appointed as the Resolution professional in the first meeting of CoC held on 24.5.2018.

3. It is stated in the application that during the CIRP, no resolution plan was submitted. Therefore, CoC in its 10th meeting decided that they would not proceed for the decision of filing liquidation application due to non-receipt of resolution plan.



plan and the expiry of maximum time permissible for completion of the CIRP under the Code.

4. It is also stated in the application that in the 10thCoC meeting, the conduct of the liquidation process was discussed and after deliberation, CoC proposed the name of the present Resolution Professional, Mr Anshuman Chaturvedi (IBBI Registration No.IBBI/IPA-001/IP-P00158/2017-18/10327) for appointment as Liquidator to conduct the liquidation process in respect of the Corporate Debtor in accordance with the provision of the Code.

The agenda for the appointment of the Resolution Professional as the Liquidator was put for e-voting on 18th and 19th January 2019. The CoC passed the resolution with a 100% vote share and recommended the name of Mr Anshuman Chaturvedi to be appointed as a Liquidator. Based on the recommendation of the CoC, this application has been filed by the Resolution Professional under Section 33 of IBC, 2016 and request has been made for passing an order of Liquidation of the Corporate Debtor.

5. The applicant has annexed the copy of the minutes of the 10thCoC meeting held on 16.1.2019. It appears that CoC resolved that:

"consent of the Committee of Creditors be and is hereby accorded to authorise Mr Anshuman Chaturvedi, Resolution Professional to file an application for liquidation and appointment of liquidator in the matter of Bawree Fashions Private Limited under Section 33 of IBC, 2016."

The percentage of vote share is also mentioned in the application, which shows that the above Resolution has been approved by CoC with 100% vote share. The consent letter dated 12.1.2019 from Mr. Anshuman Chaturvedi to act as the Liquidator to conduct the liquidation process in respect of the Corporate Debtor is also attached with the application as "Annexure E".

6. In the circumstances, we at this moment allow MA 448/2019 and pass the order of liquidation under Section 33 of IBC as follows:

- a. That the Corporate Debtor is liquidated in the manner as laid down in the Chapter by issuing a Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to RoC under which this Company has been registered.
- b. As to the appointment of Liquidator, the Resolution Professional, applicant herein is at this moment appointed to act as a Liquidator for



- the liquidation of Corporate Debtor company with all powers as envisaged in the Code.
- c. On such appointment under Section 34 of the Code, all powers of the Board of Directors, key managerial personnel and the partners of the Corporate Debtor shall cease to affect and shall be vested in the Liquidator.
- d. That the personnel of the Corporate Debtor shall extend all co-operation to the Liquidator as may be required by him in managing the affairs of the Corporate Debtor.
- e. That the Insolvency Resolution Professional appointed as Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate/assets as specified under Regulation 4 of Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016 and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
- f. Since this liquidation order has been passed, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor, in the event of initiation of a suit or legal proceeding by the liquidator on the corporate debtor behalf, it may initiate such proceedings with prior approval of this Adjudicating Authority save and except as mentioned in sub-section 6 of Section 33 of the Code.
- g. This liquidation order shall be 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 continuing during the liquidation process by the Liquidator.
7. Moratorium declared vide Order dated 25.4.2018 in CP No.: 1831/2017 ceased to exist.
8. The registry is directed to communicate this order to the corporate Debtor and the Liquidator /Applicant immediately even by way of e-mail.

SD/-
RAVIKUMAR DURAISAMY
Member (Technical)

Certified True Copy
Copy Issued "free of cost"
On 11.04.2019
B. N. Patil
Deputy Registrar

SD/-
V. P. SINGH
Member (Judicial)

National Company Law Tribunal Mumbai Bench

