

# Restructuring & Insolvency

Monthly Newsletter

August 2023

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# STATUTORY UPDATES

## **IBBI (Insolvency Professionals) (Amendment) Regulations, 2023**

- The Insolvency and Bankruptcy Board of India (IBBI) vide notification dated July 20, 2023 notified IBBI (Insolvency Professionals) (Amendment) Regulations, 2023 (**IP Amendment Regulations**).
- By way of the IP Amendment Regulations, the IBBI has inserted the word 'Post' in Regulation 5(c)(ii) before the words 'Graduate Insolvency Programme' of the IBBI (Insolvency Professionals) Regulations, 2016 (**IP Regulations**).
- The amended Regulation 5(c)(ii) of the IP Regulations reads as follows:
  - '5. Subject to the other provisions of these regulations, an individual shall be eligible for registration, if he –
  - ...
  - (c) has –
  - ...
  - (ii) successfully completed the Post Graduate Insolvency Programme, as may be approved by the Board;
  - ...'
- Accordingly, an amendment has also been brought to Form A in the IP Regulations in caption 'B. Qualifications: Educational, Professional, Insolvency Examination and Pre-Registration Educational Course', in Table (iii) Insolvency Examination, in Sl. No. 2 row.
- By way of this amendment, the IBBI has sought to increase the minimum qualification required to be eligible for registration as an Insolvency Professional under the IP Regulations. In the place of the Graduate Insolvency Program, the Revised IP Regulations mandate the persons desiring to be registered as IPs to complete the Post Graduate Insolvency Program.
- With the need for more skilled and experienced insolvency professionals, this move of the IBBI comes as a necessary step to ensure that persons who are registered as IPs have the requisite skillset and expertise required to handle the up-and-coming challenges and innovative models in the insolvency sector – such as project-wise insolvency resolution and consolidated resolution of group insolvencies.

## **IBBI (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2023**

- The Insolvency and Bankruptcy Board of India (IBBI) vide notification dated July 20, 2023 notified IBBI (Insolvency Resolution Process for Corporate Persons) (Amendment) Regulations, 2023 (**CIRP Amendment Regulations**).
- By way of the CIRP Amendment Regulations, the IBBI has inserted an explanation in Regulation 31A (1) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 (**CIRP Regulations**).
- The explanation, which is to be inserted after the proviso to Regulation 31A (1), reads as follows:

‘Explanation: For removal of doubts, it is hereby clarified that the regulatory fee under this Sub-Regulation, shall not be payable in cases where the approved Resolution Plan in respect of insolvency resolution of a real estate project is from an association or group of allottees in such real estate project.’.

- The amended Regulation 31A (1) shall come into force on the date of its publication in the Official Gazette and now reads as follows:

**‘31A. Regulatory Fee**

(1) A regulatory fee calculated at the rate of 0.25 per cent of the realizable value to creditors under the Resolution Plan approved under Section 31, shall be payable to the Board, where such realizable value is more than the liquidation value:

Provided that this Sub-Regulation shall be applicable where Resolution Plan is approved under Section 31, on or after October 1, 2022.

Explanation: For removal of doubts, it is hereby clarified that the regulatory fee under this sub-Regulation, shall not be payable in cases where the approved Resolution Plan in respect of insolvency resolution of a real estate project is from an association or group of allottees in such real estate project.’

- By way of this amendment, the IBBI has clarified that Resolution Applicants who are a group or association of homebuyers will be exempt from the regulatory fee payable by the successful Resolution Applicants to the IBBI in cases where the realizable value in the approved Resolution Plan is more than the liquidation value of the Corporate Debtor.
- This amendment brings a necessary relief to homebuyers and homebuyer associations aiming to submit Resolution Plans for the revival of Corporate Debtors running real estate projects, by alleviating them of the burden to pay the regulatory fee, which is charged from Resolution Applicants who are corporate entities.



# RECENT JUDGMENTS

## Anil Kumar, Suspended Director of SK Elite Industries India Ltd v. Jayesh Sanghrajaka, Resolution Professional of SK Elite Industries India Ltd

National Company Law Appellate Tribunal, Principal Bench, New Delhi | Judgment dated August 03, 2023 | IA No. 1666 of 2023 in Company Appeal (AT)(Ins) No. 513 of 2023

### Background facts

- The Appellant, suspended Director of Corporate Debtor, SK Elite Industries, filed the present appeals under Section 61 of the Insolvency and Bankruptcy Code, 2016 (IBC), against the Orders dated March 06, 2023 and May 15, 2023 (**Impugned Orders**) passed by the National Company Law Tribunal, Mumbai Bench (NCLT).
- Vide the first Impugned Order 'dated March 06, 2023', the NCLT allowed the placing of the Resolution Plan submitted by Metro Realty Group in respect of the Corporate Debtor for the consideration of the Committee of Creditors (CoC). Vide the second Impugned Order 'dated May 15, 2023', the NCLT approved the said Resolution Plan. Being aggrieved thereby, the Appellant preferred the present appeals.
- The Corporate Insolvency Resolution Process (CIRP) in respect of the Corporate Debtor was initiated pursuant to the admission order dated May 07, 2021 passed by the NCLT and the Respondent No. 1, i.e., Mr Jayesh Sanghrajaka was appointed as the Interim Resolution Professional (IRP). Subsequently, his appointment as the Resolution Professional (RP) of the Corporate Debtor was confirmed.
- After the issuance of Form G, in spite of granting several extensions and opportunities for revision, no viable Plan was received from any PRA. At this juncture, the RP informed the CoC that the Appellant, i.e., the Suspended Director also desired to submit a settlement proposal under Section 12A of the IBC.
- The CoC allowed the Appellant sufficient time to submit his proposal. However, even after multiple extensions, the Appellant failed to submit a viable proposal. Thus, in the absence of a viable Resolution Plan even after issuing Form G on 3 separate occasions, the RP filed an application before the NCLT seeking the initiation of liquidation process in respect of the Corporate Debtor.
- At this juncture, a fresh Resolution Plan was submitted by Metro Realty Group for the revival of the Corporate Debtor. The RP filed an application seeking permission of the NCLT to place this Resolution Plan for the consideration of the CoC. Vide the first Impugned Order, the NCLT allowed this application.
- The fresh Resolution Plan was passed by the CoC with 100% votes and vide the second Impugned Order, the same was also approved by the NCLT. Aggrieved by these decisions, the Appellant approached the NCLAT.

## Issues at hand?

- Whether a Resolution Plan submitted without the fresh publication of Form G can be entertained by the CoC?
- Whether the commercial wisdom of the CoC in approving such a Resolution Plan is justiciable?

## Decision of the Tribunal

- The NCLAT considered the contention of the Appellant that the consideration of the Resolution Plan having been submitted without the fresh publication of Form G constituted a material irregularity. However, relying on the decision of the Supreme Court in *MK Rajagopalan v. Dr. Periasamy Palani Gounder*<sup>1</sup>, the NCLAT held that a statutory provision regulating a matter of practice is regarded to be directory, not mandatory.
- The Bench further observed that the conduct of the RP in seeking the approval of the NCLT before placing the Resolution Plan before the CoC displayed complete transparency and that even otherwise, ample opportunity had been provided to the Appellant and other PRAs to submit their Resolution Plans.
- Concurring with the findings of the NCLT, the NCLAT opined that in a situation where no other Resolution Plan had been received during the CIRP of the Corporate Debtor, considering the Resolution Plan submitted by the successful Resolution Applicant would save the Corporate Debtor from undergoing the liquidation process. The NCLAT observed that this approach was in line with maintaining the going concern status of the Corporate Debtor and ensuring the value maximization of the Corporate Debtor.
- Further, the NCLAT took note of the fact that the Resolution Plan value in the plan submitted by the SRA was much more than the liquidation value of the Corporate Debtor, and giving due consideration to all the circumstances, the NCLAT held that merely a procedural deviation such as the non-publication of Form G should not bar the Resolution Plan from being considered, or approved.
- Relying on a plethora of decisions of the Supreme Court which have settled the law on the limited scope of judicial review available to the NCLT to interfere with the commercial wisdom of the CoC, the NCLAT held that since the CoC in the present case has approved the Resolution Plan by 100% voting share after considering its feasibility and viability, such a decision of the CoC is sacrosanct and cannot to be interfered with.
- Both the appeals were thus, dismissed, as being devoid of merit.

### HSA Viewpoint

In dismissing the present appeals, the NCLAT has opined that against the backdrop of the commercial wisdom of the CoC and the larger objects of value maximization and resolution of the Corporate Debtor, mere violations of procedural requirements such as the consideration of a Resolution Plan which has been submitted without the publication of a fresh Form G should not disqualify the Resolution Plan.

## Paschimanchal Vidyut Vitran Nigam Ltd v. Raman Ispat Pvt Ltd & Ors

Supreme Court of India | Judgment dated July 17, 2023 | Civil Appeal No. 7976 of 2019

### Background facts

- An appeal was preferred by the Appellant against the Order dated May 15, 2019 (**Impugned Order**) passed by the National Company Law Appellate Tribunal, New Delhi (**NCLAT**) dismissing an appeal against an order of the National Company Law Tribunal, Allahabad (**NCLT**) which allowed an application directing the District Magistrate and Tehsildar, Muzaffarnagar to immediately release the property in favor of the liquidator of the Respondent, Raman Ispat Pvt Ltd (**Corporate Debtor**) for enabling its sale, and after realization of its value, for distributing the proceeds in accordance with Section 53 of the Insolvency and Bankruptcy Code, 2016 (**IBC**).
- In terms of the Impugned Order, the liquidator alleged that unless the attachment orders of the District Collector, Muzaffarnagar and Tehsildar, Muzaffarnagar were set aside by the NCLT, no buyer would purchase the property of the Corporate Debtor due to uncertainty about the authority of the liquidator to sell the property.
- The liquidator also took the plea that PVVNL's claim would be classified in order of priority prescribed under Section 53 of the IBC, and PVVNL would be entitled to pro rata distribution of proceeds along with the other secured creditors from sale of liquidation assets, since PVVNL fell within the definition of Operational Creditor. Further, dues owed to PVVNL were technically owed to the 'government', and thus occupied a lower position in the order of priority of clearance.
- Challenging the Impugned Order, the Appellant contended that Sections 173 and 174 of the Electricity Act, 2003 had an overriding effect on all other laws, being non-obstante clauses. In terms of this act, and the regulations framed under it, a special mechanism for recovery of electricity dues existed and the claims of PVVNL were not subordinate and subject to the 'priority of claims' mechanism under the IBC.

<sup>1</sup> 2023 SCC OnLine SC 574

## Issue at hand?

- Whether IBC has an overriding effect over the Electricity Act, 2003, given both the Acts have of non-obstante clauses?

## Decision of the Court

- The Supreme Court, relying on *Sundaresh Bhatt, Liquidator of ABG Shipyard v. Central Board of Indirect Taxes and Customs*<sup>2</sup> observed that Section 238 of IBC overrides the provisions of the Electricity Act, 2003 despite the latter containing 2 specific provisions which open with non-obstante clauses i.e., Sections 173 and 174.
- Further, the Court explained the 'waterfall mechanism' mentioned under Section 53 of the IBC. This hierarchy or order of priority thus accords government debts and operational debts lower priority than dues owed to unsecured Financial Creditors.
- With respect to PVVNL, the Court held that while it undoubtedly has government participation, that alone does not render it a government entity or a part of the 'State Government'. Hence, it was held that the dues or amounts payable to PVVNL do not fall within the description of Section 53(1)(f) of the IBC.
- In light of this, the appeal was dismissed, and the liquidator was directed to decide the claim exercised by PVVNL in the manner required by law.

## Ashique Ponnampambath v. BMW India Financial Services Pvt Ltd

National Company Law Appellate Tribunal, Chennai | Order dated July 27, 2023 | Company. Appeal. (AT) (Ins.) No. 301 of 2021

### Background facts

- The present Appeal was filed against the Order dated October 06, 2021 (**Impugned Order**) passed by the NCLT, Kochi Bench (**NCLT**) whereby the Application filed by the Respondent or Financial Creditor, i.e., BMW India Financial Services under Section 7 of the IBC was admitted by the NCLT, initiating the Corporate Insolvency Resolution Process (**CIRP**) in respect of Koyenco Autos Pvt Ltd, i.e., the Corporate Debtor. Aggrieved by this Order, two suspended directors of the Corporate Debtor preferred the present Appeal.
- The Appellants' sole contention was that while the Corporate Debtor was a Co-borrower in the facilities granted by the Financial Creditor to another co-borrower, namely Platino Classic Motors (India) Pvt Ltd, there was no disbursement of any amount of loan under any facility made in favor of the Corporate Debtor. As such, the Appellants contended that the Financial Creditor does not fall under the definition of the term as provided under Section 5(7) of the IBC.
- The Financial Creditor, registered as a non-banking financial institution, granted the following four financial facilities to the Corporate Debtor 'as a Co-borrower'
  - Floorplan Financial Agreement dated September 06, 2010 for INR 11 crore
  - Working Capital Demand Credit Facility Agreement dated November 30, 2011 for INR 6.5 crore
  - Term Loan Agreement dated May 17, 2017 for INR 13 crore
  - Spare Parts Financing Facility Agreement dated January 14, 2015 for INR 3 crore
- Thereafter, Financial Creditor filed Section 7 application for initiation of CIRP against the Corporate Debtor on the account of failure of repayment of the overdue amount lying in default under the first 3 facilities.
- Relying on the definitions of 'financial debt' and 'financial creditor' under Sections 5(8) and 5(7) respectively, the Appellant contended that no amount of loan was disbursed under the aforementioned 3 facilities to the Corporate Debtor. In furtherance of this, the Appellant relied upon the decision of Supreme Court in *Anuj Jain, Interim Resolution Professional for Jaypee Infratech Ltd v. Axis Bank Ltd & Ors*<sup>3</sup>, whereby it was held that a person holding only security interest over the assets of Corporate Debtor, even though he falls in the category of 'secured creditor' shall be excluded from 'financial creditors' as per the definition under Sub-Section (7) and (8) of Section 5 of the IBC.
- The Respondent submitted several documents that were signed by the Appellant, in order to prove that the Corporate Debtor was indeed a co-borrower. Additionally, the Respondent argued that the precedent cited by the appellant in Anuj Jain (Supra) is not relevant in the present case. This appeal does not involve a property mortgage; instead, it centers around the Corporate Debtor assuming the role of a co-borrower right from the beginning of the facilities.

<sup>2</sup> 2022 SCC OnLine SC 1101

<sup>3</sup> (2020) 8 SCC 401

### HSA Viewpoint

The Supreme Court has reaffirmed the hierarchy to be followed for distribution of assets. This has established the overriding effect of IBC over Electricity Act. In holding so, the Supreme Court has upheld the spirit of IBC and reinforced the 'priority of claims' mechanism under IBC. In some ways, this judgment has also diluted the law laid down by the *Rainbow Papers judgment* (State Tax Officer v. Rainbow Paper Ltd Civil Appeal No. 1661 of 2020) which had upset the settled jurisprudence on government dues.

## Issue at hand?

- Whether the adjudicating authority erred in admitting Application under Section 7 of IBC against the Appellant as the co-borrower.

## Decision of the Tribunal

- The NCLAT dismissed the Appeal and affirmed the Impugned Order, observing that the NCLT, Kochi Bench had correctly admitted the Application under Section 7 of IBC against the Appellant as the co-borrower.
- Disregarding the arguments put forth by the Appellant, the NCLAT ruled that the Appellant had actively chosen to collaborate with the co-borrower and had willingly accepted all obligations as a co-borrower. This was evidenced by a resolution passed on May 16, 2017, and a joint request made on May 17, 2017, to include the Corporate Debtor as a co-borrower for the 3 mentioned facilities. Additionally, an addendum agreement executed on May 17, 2023, confirmed the Appellant's assumption of all rights and liabilities alongside the original co-borrower concerning the Financial Creditor's extended facilities. Moreover, the Corporate Debtor, on February 23, 2018, endorsed assuming liability. Taken together, these actions convincingly establish that the Appellant is a co-borrower, making the Application under Section 7 of the Code maintainable.
- Further, NCLAT rejected the precedent cited by the Appellant in *Anuj Jain v. Axis Bank*<sup>4</sup>, holding that this precedent is not relevant to the circumstances of the present appeal. Instead, the precedent referenced by the Respondent in *Maitreya Doshi v. Anand Rathi Global Finance Ltd & Anr*<sup>5</sup>, addresses the pertinent matter.
- The NCLAT consequently rejected the current appeal and asserted that there existed no error in the decision made by the NCLT in admitting Section 7 application against the Corporate Debtor in its capacity as a co-borrower.

HSA

## Viewpoint

The NCLAT has settled the position of law clarifying that merely because no disbursement has been made to an entity, which is a co-borrower, it cannot escape the liability to repay the debt owed. This decision establishes that in order to fall within the definition of 'financial creditor' and 'financial debt' under Section 5(7) and 5(8) of the IBC, it is necessary to examine whether an entity was a co-borrower and had undertaken to perform the repayment obligations, irrespective of whether any disbursement was made to it directly or not.

## Trimex Industries Pvt Ltd v. Bhuvan Madan, RP of Sathavahana Ispat Ltd

National Company Law Appellate Tribunal, Principal Bench, New Delhi | Judgment dated July 14, 2023 | Reference (CH) No. 01 of 2023 in Company Appeal (AT)(CH)(Ins) No.130 of 2023

### Background facts

- The present reference to the 3 Member Bench of the NCLAT arose out of an Appeal filed before the Chennai Bench of the NCLAT and decided by the Chennai Bench on May 24, 2023 (**Chennai Bench Trimex Order**).
- The Appeal before the Chennai Bench was filed by one of the unsuccessful Prospective Resolution Applicants (**PRAs**), Trimex Industries Pvt Ltd During the issuance of the provisional list of eligible PRAs by the Resolution Professional, there was an invitation for objections to the inclusion of any PRA in this list within a period of 5 days, as per Regulation 36A (11) of the CIRP Regulations. Although the Appellant had the chance to contest the inclusion of Jindal Saw Ltd as a PRA during this period, it failed to do.
- Pursuant to the approval of Resolution Plan by CoC, the Appellant filed an application before the NCLT, Hyderabad Bench alleging that there has been an act of collusion between JC Flower Asset Reconstruction Pvt Ltd and Jindal Saw Ltd. Additionally, the Applicant also questioned the appointment of Mr Bhuvan Madan as the IRP, contending conflict of interest and collusion between CoC and Jindal Saw in the said appointment.
- The NCLT, Hyderabad Bench, considering the contentions put forth by Respondents, held that the Appellant does not possess the legal standing to pursue this matter, due to the Appellant's failure to make use of the opportunity provided by Regulation 36A (11) of the CIRP Regulations.
- Subsequently, aggrieved by the decision of NCLT, Hyderabad Bench, the Appellant filed an application to seek leave to appeal the said decision before the NCLAT, Chennai Bench. Although the Appellant had filed an application seeking leave to appeal, it was contended by the Appellant that under Section 61 of the IBC, no sufficient cause is required to be proved in order to prefer an appeal before the NCLAT. Any person aggrieved by an order of the NCLT may prefer an appeal as a matter of right.
- Vide the Chennai Bench Trimex Order, the NCLAT Chennai Bench, comprising of 2 Members, concurred with the contentions put forth by the Appellant and held that there is no requirement for filing an application for leave to appeal under Section 61 of the IBC.
- The Chairperson of the NCLAT referred the question pertaining to the need for an application seeking leave to appeal under Section 61 if the Appellant was not a party before the lower forum. The reference bearing in Company Appeal (AT)(CH)(INS) No. 130 of 2023 to the NCLAT,

<sup>4</sup> 2020 8 SCC 401

<sup>5</sup> CA (AT)(Ins) No. 191 of 2021

sought clarification on whether a third party, who was not a party to the proceedings before the NCLT, must file a separate application to seek leave to appeal before initiating an appeal under Section 61 of the IBC.

### Issues at hand?

- Whether in an appeal filed under Section 61 of the IBC by a third party who was not a party to the proceedings before the NCLT, an application seeking leave to prefer the appeal is necessary to be filed and decided before entertaining the appeal.
- Whether the Two Member Bench Judgement of Chennai Bench dated May 24, 2023 in Company Appeal (AT)(CHY)(INS) No. 130 of 2023 in IA Nos. 439, 440, and 441/2023, Trimex Industries Pvt Ltd v. Bhuvan Madan, RP of Sathavahana Ispat Ltd & Anr holding that there is no requirement for filing an application for leave to appeal lays down correct law.

### Decision of the Tribunal

- The Principal Bench of the NCLAT noted that a careful examination of Section 61 of the IBC, 2016, reveals that anyone who is dissatisfied with the decision of the NCLT can file an appeal before the NCLAT, irrespective of whether they were directly involved in the case before the NCLT or not. The Bench emphasized that when a statute specifies a certain method for carrying out an action, it must be followed exactly as prescribed and not through any alternative means.
- The NCLAT further held that even when challenging the decision of the NCLAT before the Supreme Court under Section 62 of the IBC, there is no requirement of explicitly seeking leave for filing such an appeal, as indicated by Section 62.
- However, in the terms of reference to the NCLAT, the Bench chose not to officially determine whether the Appellant in the ongoing appeal is aggrieved or not. Instead, the Bench opined that such inquiries remain open for evaluation by the relevant Bench.
- Additionally, the NCLAT relied on the jurisprudence of Supreme Court on the meaning of 'aggrieved person' and the right of appeal, and also took into account the wording of Section 61 of the IBC. The NCLAT further expressed the view that the legal position established by the Chennai Bench vide its ruling on May 24, 2023, in the ongoing appeal is accurate and does not necessitate the submission of an application seeking permission to appeal under Section 61 of the IBC.

#### HSA **Viewpoint**

This NCLAT ruling establishes that any individual who is dissatisfied with a judgment of the NCLT has the right to prefer an appeal before the NCLAT, even without the requirement of submitting an application to seek leave to appeal, regardless of whether the said individual was a party before the Adjudicating Authority.

## IndusInd Bank Ltd v. Coffee Day Global Ltd

### Malavika Hegde, Suspended Director of Coffee Day Global Ltd v. IndusInd Bank Ltd

National Company Law Appellate Tribunal, Bengaluru Bench and National Company Law Appellate Tribunal, Chennai | Judgment dated July 20, 2023 and Order dated August 11, 2023 | CP(IBC) No. 132/BB/2022 and CA(AT)(Ins) No. 235/2023

### Background facts

- The present petition was filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 (IBC) by IndusInd Bank (**Financial Creditor**) seeking the initiation of Corporate Insolvency Resolution Process (**CIRP**) against Coffee Day Global Ltd (**Corporate Debtor**) on the ground that the Corporate Debtor has committed a default for a total outstanding amount of INR 94.01 crore as on April 06, 2020.
- The Corporate Debtor is the parent company which runs Café Coffee Day.
- The Corporate Debtor from April 24, 2018 onwards had obtained various credit facilities both fund-based and non-fund based on various dates from the Financial Creditor.
- Out of the several tranches of loans obtained by the Corporate Debtor from the Financial Creditor, the first tranche was allegedly due on February 28, 2020. As the Corporate Debtor defaulted in payment of its dues, the Financial Creditor classified the account of the Corporate Debtor as Non-Performing Asset on June 30, 2020.
- Subsequent to the classification of the Corporate Debtor's account as NPA, the Financial Creditor Issued a demand cum loan recall notice on December 07, 2020 calling upon the Corporate Debtor and the guarantors to make payment of their liabilities within 15 days. However, the Corporate Debtor and its guarantors failed to make the payment of the same.
- On the basis of the said default of the Corporate Debtor, the Financial Creditor filed the present Petition under Section 7 of the IBC.

### Issue at hand?

- Whether the Section 7 Petition should be admitted and the CIRP in respect of Coffee Day Global be initiated?



## Decision of the Tribunal

- The NCLT examined the petition of the Financial Creditor along with the Record of Default in the form of NeSL Reports filed along with the petition. The primary contention of the Corporate Debtor before the NCLT was that the Section 7 Petition was hit by Section 10A of the IBC, since the Date of Default (April 30, 2020) fell during the period from March 25, 2020 to March 25, 2021, thus contesting the maintainability of the Petition.
- However, the NCLT observed that the date of default for one tranche of the loan was February 28, 2023 and as such, the Petition was not hit by Section 10A. The NCLT further noted that the Corporate Debtor had nowhere disputed the default amount nor contended that there was no debt due from it to the Financial Creditor.
- Relying on the existence of debt and default, the NCLT, vide its Order dated July 20, 2023 (**Admission Order**) admitted the Section 7 petition filed by the Financial Creditor, thus initiating the Corporate Insolvency Resolution Process (**CIRP**) in respect of the Corporate Debtor. Mr Shailendra Ajmera was appointed as the Interim Resolution Professional and a moratorium in terms of Section 14 was declared.
- This Judgment was challenged by Ms Malavika Hegde, the Suspended Director of the Corporate Debtor vide Appeal filed before the NCLAT bearing Company Appeal (AT)(Ins) No. 235 (CHE)/2023. The said Appeal came to be heard for the first time on July 28, 2023 and the orders were reserved in the same.
- The Appellant contended that the NCLT has committed a patent error in considering February 28, 2020 as the date of default for one tranche of loan instead of April 30, 2020. The issue in question was thus, whether the date of default mentioned in Part-IV of the Section 7 Petition could be changed.
- After hearing the submissions of the Parties, the NCLAT, vide its order dated August 11, 2023, issued notice on the Appeal filed by the Suspended Director of Coffee Day Global Ltd, i.e., the Corporate Debtor and stayed the operation of the Admissions Order.

### HSA **Viewpoint**

This Order assumes significance as Coffee Day Global runs the popular coffee brand across the country – Café Coffee Day. While the Admission Order in respect of the Corporate Debtor has currently been stayed vide the order of the NCLAT, it remains to be seen what the outcome of the Appeal determines.



## RECENT DEALS

### Resolution of Twin Srei Companies

- The NCLT, Kolkata Bench, vide an order dated August 11, 2023 approved the Resolution Plan submitted by NARCL, the successful Resolution Applicant, in the CIRP of twin Srei Companies i.e., Srei Infrastructure Finance Ltd (**SIFL**) and Srei Equipment Finance Ltd (**SEFL**), the Corporate Debtor.
- Vide order dated October 08, 2021 the NCLT, Kolkata Bench admitted the Company Petition filed by Reserve Bank of India, the Appropriate Regulator, under Section 227 of the Insolvency and Bankruptcy Code, 2016 (IBC) read with Rule 5 of Insolvency & Bankruptcy (Insolvency and Liquidation Proceedings of Financial Service Providers and Application to Adjudicating Authority) Rules, 2019 and ordered for the initiation of the CIRP of the Corporate Debtor, thereby appointing Mr Rajneesh Sharma as the Administrator.
- Pursuant thereto, the Administrator constituted the Committee of Creditors in accordance with Section 21(2) of the Code, which comprised of various financial creditors including State Bank of India, Punjab National Bank, Axis Bank, HDFC bank, Union Bank of India, IDBI Bank, UCO Bank, Canara Bank holding and Indian Overseas Bank, among others. The total admitted claims of all creditors of SIFL and SEFL amounted to INR 32750.22 crore.
- After issuance of Form G, in terms of Section 25(2)(h) of the IBC read with Regulation 36A (1) of the CIRP Regulations, 2016, 3 Prospective Resolution Applicants (**PRAs**) – (i) NARCL, (ii) Consortium of Varde Partners and Arena Investors; (iii) and Authum Investment and Infrastructure – submitted Resolution Plans. After the conclusion of challenge mechanism adopted by the CoC for acquiring of the twin Corporate Debtors, the Resolution Plan received from the successful Resolution Applicant, i.e., the state backed NARCL, was approved with 89.25 % voting share of the consolidated CoC.
- The perusal of the plan approval order indicates that the plan outlines a sum total of INR 14,867.50 crore to be paid to all the stakeholders of the Corporate Debtor. This payment comprises the cash payment of INR 3,180 crore to be made to Assenting Financial Creditors (**AFCs**).
- Further, the successful Resolution Applicant also proposes offering Financial Creditors 20% equity stake in SIFL, amounting to INR 200 crore. The remainder is to be offered in the form of security receipts backed by committed Non-Convertible Debentures of INR 3487.50 crore redeemable from recoveries of underlying assets of SEFL. Finally, an amount of INR 8000 crore is proposed to be repaid in Optionally Convertible Debentures (OCD), which will be redeemed upon recovery. Taking into account all these elements, financial creditors are poised to recuperate approximately 45% of the total claimed amount.
- According to its resolution strategy, NARCL intends to operate Srei Infrastructure Finance (SIFL) as a functioning Non-Banking Financial Company. The operations related to equipment finance

will be overseen by SIFL, which is a publicly listed company. Srei Equipment Finance will function as a platform for winding down operations. This entity will be utilized for the retrieval process from the portfolio. As per the proposal, NARCL will transfer the recovered sums from the portfolio to the Committee of Creditors (CoC).

- In view of the abovementioned observations, the NCLT Kolkata Bench held that the Resolution Plan is in accordance with the provisions of IBC, 2016 and approved the Resolution Plan.
- The unsuccessful Resolution Applicant (i.e., Authum Investment), and also one of the shareholders (i.e., Adisri Capital) have challenged the approval of the Resolution Plan before the NCLAT. In the appeal filed by the unsuccessful Resolution Applicant, any further proceedings have been directed to be subject to the outcome of the appeal, and notice has been issued to the respondents. Further, in the appeal of the shareholders, notice has been issued to RBI on the maintainability of the appeal. The fate of these two appeals will decide the outcome of this deal.

## Resolution of Yashasvi Yarns Ltd

- The NCLT, Ahmedabad Bench, vide an order dated July 17, 2023 approved the Resolution Plan submitted by Amit Jain and Gyanesh Kanodia, i.e., the successful Resolution Applicants (SRA), in the Corporate Insolvency Resolution Process (CIRP) of Yashasvi Yarns Ltd, i.e., the Corporate Debtor. Vide order dated November 17, 2021, the NCLT, Ahmedabad Bench admitted the Company Petition filed by State Bank of India under Section 7 of the Insolvency and Bankruptcy Code, 2016 (IBC) and ordered for the initiation of the CIRP of the Corporate Debtor, thereby appointing Mr Ravindra Kumar Goyal as the Interim Resolution Professional (IRP).
- Pursuant thereto, the IRP constituted the Committee of Creditors in accordance with Section 21(2) of the Code, which comprised four financial creditors i.e., State Bank of India, holding 63.73% voting share, Pegasus Assets Reconstruction Pvt Ltd holding 19.94% voting share, Phoenix ARC Pvt Ltd holding 7.88% voting share and Canara Bank holding 8.45% voting share. Subsequently, the appointment of Mr Ravindra Kumar Goyal as the Resolution Professional (RP) of the Corporate Debtor was confirmed.
- After issuance of Form G, in terms of Section 25(2)(h) of the IBC read with Regulation 36A (1) of the CIRP Regulations, 2016, Six Prospective Resolution Applicants (PRAs) – (i) Radhekrishna Corporation, (ii) Laxmi Technical Textiles Pvt Ltd, (iii) Aalidhra Texpro Engineers Pvt Ltd, (iv) Consortium of Alliance Superfine Industries Ltd along with Udaaran Properties and Trading Pvt Ltd, Obron Industrial Finance Ltd, Suvino Exports Pvt Ltd and Mr Robin Agarwal, (v) Amit Jain & Gyanesh Kanodia (Suspended Management), (vi) and Siddhivinayak Filaments Pvt Ltd – submitted Resolution Plans.
- After due discussion and deliberation, the Resolution Plan received from the successful Resolution Applicant, i.e., the Suspended Management, was approved with 100% voting share by the CoC in its 8th meeting held on November 18, 2022.
- A perusal of the order of approval of Resolution Plan shows that the plan provides for a total payment of INR 28.44 crore to all the stakeholders as per the waterfall mechanism under Section 53 of the Code. The plan provides the payment of INR 27.79 crore to the secured Financial Creditors and the full payment of INR 4.80 lakh to the Operational Creditors.
- The successful Resolution Applicant proposes to pay INR 60 lakh towards the CIRP cost within 45 days of approval of the Resolution Plan by the NCLT in priority to the repayment of other debts. Additionally, the plan stipulates that if the CIRP expenses are lower than INR 60 lakh, the remaining amount will be given to the secured creditors in addition to the proposed sum.
- The SRA has proposed a term of 45 days for the plan and its implementation with payment of the CIRP cost and payment to the secured creditors within 45 days and constitution of new board of directors within 30 days from the effective date.
- Regarding the relief and concessions requested by the resolution applicant concerning outstanding debts after plan approval, as well as claims that were not submitted to the RP during the CIRP, the NCLT Ahmedabad Bench referred to the position as laid down by the Supreme Court in the case of *Ghanashyam Mishra and Sons Pvt Ltd v. Edelweiss Asset Reconstruction Company Ltd and Ors*<sup>6</sup> and observed that any unpaid liabilities and claims not reported to the RP prior to the approval of the Resolution Plan, as well as those not encompassed within the approved plan, would be considered extinguished.
- In view of the abovementioned observations, the NCLT Ahmedabad Bench held that the Resolution Plan is in accordance with Sections 30 and 31 of the IBC and Regulations 38 and 39 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and approved the Resolution Plan.

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<sup>6</sup> (2021) 9 SCC 657

## Resolution of Sampark Land Developers Pvt Ltd

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- The NCLT, Kolkata Bench, vide an order dated August 02, 2023, approved the Resolution Plan submitted by plot buyers of Baruipur Bloomfield Project, the Successful Resolution Applicant (SRA), in the Corporate Insolvency Resolution Process (CIRP) of Sampark Land Developers Pvt Ltd, i.e., the Corporate Applicant.
- Vide order dated April 30, 2021, the NCLT, Kolkata Bench admitted the Company Petition filed by Sampark Land Developers Pvt Ltd, i.e., the Corporate Applicant under Section 10 of the Code and ordered for initiation of the CIRP of the Corporate Applicant, thereby appointing Mr Kamal Nayan Jain as the Interim Resolution Professional (IRP) of the Corporate Applicant. Subsequently, his appointment as the Resolution Professional (RP) of the Corporate Applicant was confirmed vide Order dated July 15, 2021. Pursuant thereto, the RP constituted the Committee of Creditors in accordance with Section 21(2) of the Code on May 25, 2021 and thereafter, reconstituted the same on June 24, 2021 which comprised of four financial creditors i.e., Aneel Saroagi (authorised representative for class of creditors), Greenland Project, Toddlen Fashion Pvt Ltd and Anup Kumar Purkait.
- In accordance with Section 25(2)(h) of the IBC read with Regulation 36A (1) of the CIRP Regulations, 2016, the RP first issued the invitation for Expression of Interest in Form G on July 12, 2021. The Form G was thereafter issued four more times and finally on June 24, 2022.
- After the final issuance of Form G, three prospective Resolution Applicants submitted Resolution Plans, however only the Resolution Plan submitted by the plot buyers of Baruipur Bloomfield Project, i.e., SRA was compliant with the provisions of the Code. After due discussion and deliberation, the Resolution Plan received from the successful Resolution Applicant was approved with 98.43 % voting share by the CoC in its meeting held on August 28, 2022.
- On approval of the Resolution Plan by the CoC, the successful Resolution Applicant furnished a performance security of INR 1 lakh through bank guarantee in accordance with Regulation 36B(4A) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
- A perusal of the order of approval of Resolution Plan shows that the successful Resolution Applicant proposes to complete the real estate project of the Corporate Debtor and handover the plots to the allottees. No cash component has been provided under the Resolution Plan.
- The successful Resolution Applicant has proposed to raise funds through the collection of outstanding amount due from existing plot buyers, if any on case-to-case basis, share capital contribution of SPV and cost escalation charges. The said funds raised will be used for execution and completion of Baraipur Bloomfield Project. Under the Resolution Plan, certain reliefs, waivers and concessions have been sought in relation to certain investigations, proceedings, suits, claims, disputes, etc. in connection with the Corporate Debtor, some of which has been granted by the NCLT in terms of the provisions of the Code. No reliefs, waivers and concessions that fall within the domain of other government department and authorities are granted. The reliefs, waivers and concessions that pertain to other governmental authorities and departments shall be dealt with the respective competent authorities, forums, offices, Government or Semi Government of the State or Central Government.
- Relying on the position laid down by the Supreme Court in *Ghanashyam Mishra and Sons Pvt Ltd v. Edelweiss Asset Reconstruction Company Ltd*<sup>7</sup> ibid, the NCLT Kolkata Bench observed that all such claims, which are not a part of Resolution Plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the Resolution Plan.
- Additionally, relying on *Lalit Kumar Jain v Union of India & Ors*<sup>8</sup>, the reliefs and waivers sought for all inquiries, litigations, investigations and proceedings are granted strictly as per the Section 32A of the Code and the provisions of the law as may be applicable.
- The NCLT Kolkata Bench held that the Resolution Plan is in accordance with Sections 30 and 31 of the IBC and Regulations 38 and 39 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and approved the Resolution Plan.

## Resolution of Safeco Hygiene Pvt Ltd

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- The NCLT, Ahmedabad Bench-II, vide an order dated July 31, 2023 approved the Resolution Plan submitted by Mr Jaydeep Maheshwari, the successful Resolution Applicant, in the CIRP of Safeco Hygiene Films Pvt Ltd, the Corporate Debtor. Vide order dated August 01, 2022, the NCLT, Ahmedabad Bench admitted the company petition filed by Ayodhya Orchards LLP under Section

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<sup>7</sup> 2022 LiveLaw (SC) 771

<sup>8</sup> (2021) 9 SCC 321

7 of the Code and initiated the CIRP of the Corporate Debtor thereby appointing Mr Charudutt Marathe as the Interim Resolution Professional.

- Pursuant thereto, the IRP constituted the Committee of Creditors in accordance with Section 21(2) of the Code, which comprised two financial creditors, i.e., Ayodhya Orchards LLP, holding 68% voting share and Union Bank of India, holding 32% of the voting share. Subsequently, he was confirmed as the Resolution Professional during the 1st CoC meeting held on August 24, 2022.
- However, CoC was reconstituted in terms of admission of new claims from an unrelated financial creditor, consisting of the following: Ayodhya Orchards LLP, holding 68.20% of voting share, Union Bank of India, holding 31.76% of voting share and Mercedes-Benz Financial Services India Pvt Ltd, holding 0.13% voting share.
- The CoC in its 2nd Meeting approved the Form G, which was issued in two newspapers first on June 09, 2021. However, subsequently, the Form G was reissued multiple times to give an opportunity to more Resolution Applicants to submit their Expression of Interest (EOI). The final fresh Form G, as approved by the CoC in its 13th meeting was issued on January 28, 2022.
- After issuance of Form G, in terms of Section 25(2)(h) of the IBC read with Regulation 36A (1) of the CIRP Regulations, 2016, the RP received 10 EOI from Prospective Resolution Applicants (PRAs). However, only 3 Resolution Plans were received from the following PRAs – SB Packagings Pvt Ltd, Prama Industries Ltd and Mr Jaydeep Maheshwari. Two out of the three PRAs, namely SB Packagings Pvt Ltd and Prama Industries Ltd, opted to withdraw their proposed Resolution Plans. Consequently, during the 18th CoC meeting held on June 05, 2023 a revised Resolution Plan dated June 01, 2023, presented by Mr Jaydeep Maheshwari, was subjected to a voting process, and secured 100% votes in favor.
- A perusal of the Resolution Plan approval order reveals that Mr Jaydeep Maheshwari put forth a proposal to infuse INR 38.12 crore for the settlement of dues of various stakeholders in accordance with the waterfall mechanism stipulated in Section 53 of the Code.
- The Resolution Plan also provides for a payment of INR 23.37 lakh to employees and workmen, while a sum of INR 1.37 crore has been set aside to address any outstanding government dues as and when they become due. Furthermore, a total of INR 15.54 crore is allocated to Operational Creditors other than employees and workmen. A sum of INR 20.07 crore is earmarked for payment to the Financial Creditors, and INR 39 lakh is designated for shareholders. The plan also includes a provision of INR 50 lakh to cover contingent liabilities.
- The Resolution Plan also includes a provision for a performance security of INR 5 crore, in accordance with Sub-Regulation (4A) of Regulation 36B of the CIRP Regulations, 2016.
- In view of the abovementioned observations, the NCLT Ahmedabad Bench, held that the Resolution Plan meets the requirements of Sections 30(2) of the IBC and Regulations 37, 38, 38(1A) and 39(4) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and approved the Resolution Plan.

## Resolution of Capricorn Food Products India Ltd

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- The NCLT, Chennai Bench, vide an order dated July 12, 2023 approved the Resolution Plan submitted by the consortium of Maa Kudargarhi Steel Pvt Ltd & BM Food, the Successful Resolution Applicants, in the CIRP of Capricorn Food Products India Ltd, the Corporate Debtor.
- Vide Order dated November 13, 2020, the NCLT, Chennai Bench admitted the company petition filed by Raasa Foods Pvt Ltd under Section 9 of the Code and ordered for the initiation of the CIRP of the Corporate Debtor. Subsequently, Ms J Karthiga was appointed as the Interim Resolution Professional (IRP) of the Corporate Applicant vide the same order.
- Pursuant to Section 15 of the IBC, the IRP of the Corporate Debtor issued a public announcement in two newspapers dated November 17, 2020 inviting claims in relation to the Corporate Debtor. Based on the claims received pursuant thereto, the IRP constituted the CoC in accordance with Section 21(2) of the Code, on December 06, 2020 which comprised of eleven financial creditors, including State Bank of India (27.82%), IDBI Bank Ltd (11.30%), Indian Bank (11.88%) and Kotak Mahindra Bank (15.58%) having the largest voting share.
- After issuance of Form G, in terms of Section 25(2)(h) of the IBC read with Regulation 36A (1) of the CIRP Regulations, 2016, seven Prospective Resolution Applicants submitted Resolution Plans in response to first EOI. The EOI was reissued twice thereafter, and a final list of PRAs was submitted to the CoC on January 06, 2022.
- After due discussion and deliberation, the Resolution Plan received from one Mantra Industries was approved by the CoC. However, the ex-promoter of the Corporate Debtor moved an application challenging the approval of the Resolution Plan. The NCLT vide its order dated July 22, 2022 opined that the Resolution Plan submitted did not garner 66% vote of the CoC.

- Thereafter, the PRAs were directed to submit revised Resolution Plans. On submission of Revised Resolution Plans, the Plan submitted by the successful Resolution Applicant was approved by a majority of 87.48% of the CoC.
- A perusal of the order of the NCLT approving the Resolution Plan shows that the Resolution Plan provides for a total payment of INR 180 crore to all the stakeholders. The successful Resolution Applicant proposes to infuse the entire resolution amount. The interim management costs shall be funded on a monthly basis from cash flows of the company.
- Further, relying on the position laid down by the Supreme Court in *K Sashidhar v. Indian Overseas Bank*<sup>9</sup>, and *Committee of Creditors of Essar Steel India Ltd v. Satish Kumar Gupta*<sup>10</sup>, the NCLT, Chennai Bench observed that the scope of judicial review under Section 30(2) and Section 31 of IBC is limited and the NCLT cannot venture into the commercial aspects of the decisions taken by the CoC.
- In view of the abovementioned observations, the NCLT Chennai Bench held that the Resolution Plan is in accordance with Sections 30 and 31 of the IBC and Regulations 38 and 39 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and approved the Resolution Plan.

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<sup>9</sup> (2019) 12 SCC 150

<sup>10</sup> (2020) 8 SCC 531



# COMPANIES ADMITTED TO INSOLVENCY IN JULY 2023

## Companies admitted to insolvency

#	Name of Corporate Debtor	NCLT Bench	Industry
1	Aarcity Infrastructure Pvt Ltd	New Delhi	Real estate
2	AMRL Hitech City Ltd	Chennai	Real Estate
3	Ardent Maschinfabrik Pvt Ltd	Mumbai	Manufacturing of asphalt and concrete
4	Arkcom Telecommunications Pvt Ltd	Mumbai	Telecommunications
5	Array Land Developers Pvt Ltd	Chennai	Agriculture
6	Atul Projects India Pvt Ltd	Mumbai	Construction
7	Avinash EM Projects Pvt Ltd	New Delhi	Construction
8	Bharat Tradelink Pvt Ltd	Ahmedabad	Wholesaler of agricultural products
9	Brij Gopal Construction Company Pvt Ltd	New Delhi	Construction
10	Call Express Construction Pvt Ltd	Chennai	Construction
11	Casabella Trading Pvt Ltd	Mumbai	Real estate
12	Cinema Venture Pvt Ltd	Mumbai	Accounting
13	Coffee Day Global Ltd	Bengaluru	Coffee Shop
14	Container Corporation of India Ltd	New Delhi	Transportation
15	Cygnus Splendid Ltd	New Delhi	Manufacturing of rubber products
16	Dolphin Offshore Shipping Ltd	Mumbai	Shipping
17	Duxton Hills Builder Pvt Ltd	New Delhi	Construction
18	Earthbuild Greencity Pvt Ltd	Allahabad	Real estate
19	Ecophos GNFC India Pvt Ltd	Ahmedabad	Manufacturing of chemicals
20	Futura Polyesters Ltd	Mumbai	Monetary intermediation
21	Ganpathi Hightech Communication Pvt Ltd	Kolkata	Manufacturing of machinery and equipment
22	Gopinath Engineering Co Pvt Ltd	Mumbai	Mechanical construction
23	Harkar Developers Pvt Ltd	Mumbai	Real estate
24	Hindustan Eco Tech Pvt Ltd	Mumbai	Manufacturing of food products
25	Idea Builders Pvt Ltd	New Delhi	Real estate
26	International Print-o-Pac Ltd	New Delhi	Printing equipment and supplies
27	Jain Timber Co Pvt Ltd	New Delhi	Supply of plywood
28	Josan Foods Pvt Ltd	Chandigarh	Production of food products
29	Kalundre Metaliks Pvt Ltd	Mumbai	Importing shipment of HR coils
30	K L S R Infratech Ltd	Hyderabad	Construction
31	Kanva Fashions Ltd	Bangalore	Manufacturing of apparel
32	Karan Automotives Pvt Ltd	New Delhi	Manufacturing of automotive parts
33	Kasya Telecommunications & IT Solutions Pvt Ltd	Mumbai	providing telecommunications services
34	KGEPL Engineering Solutions Pvt Ltd	Mumbai	Production, collection and distribution of electricity
35	Langley Apparel India Pvt Ltd	Chandigarh	Manufacturing of textiles
36	Laxmi Engineering Industries (Bhopal) Pvt Ltd	Indore	Manufacturing of instrument transformers
37	Life Essentials Personal Care Pvt Ltd	Chandigarh	Manufacturing of personal care products
38	Ligare Aviation Ltd	New Delhi	Aviation
39	Logix Infrastructure Pvt Ltd	New Delhi	Real estate
40	Loocust Incorp Apparel Export Pvt Ltd	Chennai	Textiles
41	M U Buildcon Pvt Ltd	New Delhi	Construction
42	Madhuvan Tieup Pvt Ltd	New Delhi	Wholesaler
43	Manjeera Constructions Ltd	Hyderabad	Construction

44	Manjeera Retail Holdings Ltd	Hyderabad	Software publishing, consultancy and supply
45	Maxpro Homecare Products Pvt Ltd	Mumbai	Manufacturing of homecare products
46	Meenakshi Cargo Forwarders Pvt Ltd	Chennai	Logistics
47	MIKU Polymers & Plastics Ltd	Ahmedabad	Manufacturing of plastics
48	Nadia Constructions Pvt Ltd	Kolkata	Construction
49	ND'S Art World Pvt Ltd	Mumbai	film production
50	Neptune Ventures and Developers Pvt Ltd	Mumbai	Construction
51	Nirmal Lifestyle (Mulung) Pvt Ltd	Mumbai	Construction
52	Orbit Financial Consultants Pvt Ltd	Kolkata	Financial services
53	Padam Motors Pvt Ltd	Chandigarh	Motor vehicles
54	Perpendicular Construction Pvt Ltd	Allahabad	Construction
55	Rajdeep Distributors Pvt Ltd	Mumbai	Distribution
56	Roopam Textiles Trading Pvt Ltd	Cuttack	Manufacturing of textiles
57	RSA Mining & Equipment Pvt Ltd	Chennai	Mining
58	Salasar Exim Ltd	Kolkata	Manufacturing and supply of steel bars
59	SAMDARI STRIPS PVT LTD	Jaipur	Manufacturing of iron & steel
60	Sarika Industries Ltd	New Delhi	Manufacturing of basic precious and ferrous metals
61	Schon Ultrawares Pvt Ltd	New Delhi	Manufacturing of non-metallic minerals
62	Shaila Clubs and Resorts Pvt Ltd	Mumbai	Hospitality
63	Sheth Developers Pvt Ltd	Mumbai	Civil engineering
64	Shree R.N. Metals (India) Ltd	Jaipur	Manufacturing of steel grinding media ball
65	Shree Ram Cottex Industries Pvt Ltd	Ahmedabad	Manufacturing of textiles
66	Simons Shipping Pvt Ltd	Mumbai	Shipping
67	Somerset Construction Pvt Ltd	Mumbai	Civil engineering
68	Soni Commercial Enterprises Pvt Ltd	New Delhi	Wholesaler
69	Souvenir Developers (India) Pvt Ltd	Mumbai	Construction
70	Sri Sai Car Sales Pvt Ltd	Kolkata	Sale of motor vehicles
71	Tanish Nirmitti LLP	Mumbai	Construction
72	Tarun Raltors Pvt Ltd	Bangalore	Construction
73	Trans Tech Turnkey Pvt Ltd	Mumbai	Manufacturing of special purpose machinery
74	Usashi Realestates Pvt Ltd	Kolkata	Real estate
75	Varun Media Pvt Ltd	Allahabad	Wholesaler
76	Vindhyavasini Buildcon Pvt Ltd	Mumbai	Construction
77	Virat Global Logistics Pvt Ltd	Mumbai	Auxiliary transport
78	Xylem Integrated Solutions Pvt Ltd	Mumbai	Real estate

## Companies directed to be liquidated

#	Name of Corporate Debtor	NCLT Bench	Industry
1	Epitome Petrochemical Pvt Ltd	Kolkata	Manufacturing of chemical products
2	Aditya Prints Pvt Ltd	Ahmedabad	Manufacturing of textiles
3	Aftek Infrastructure Pvt Ltd	Allahabad	Real estate
4	AMW Motors Ltd	Ahmedabad	Manufacturing of railway and tramway locomotives
5	Avanti Systems Integrators Pvt Ltd	Mumbai	Manufacturing of electrical equipment
6	Delta Iron and Steel Company	Mumbai	Manufacturing of basic iron and steel
7	Dynamic Hatcheries Pvt Ltd	Kolkata	Fisheries
8	Fashion Equation Pvt Ltd	Chennai	Trading of apparels
9	Green Gardens Pvt Ltd	Chennai	Agricultural
10	Hansraj Agrofresh Pvt Ltd	Allahabad	Manufacturing of food products
11	Infiniti Techlabs LLP	Hyderabad	Technological services
12	Khadyota Kishan Foundation	Chennai	Agricultural activities
13	Mark Infrastructure Pvt Ltd	Hyderabad	Construction
14	Power Car India Pvt Ltd	Chennai	Insurance
15	Rai Ispat Pvt Ltd	Chennai	Financial intermediary
16	Sagar Automobiles Pvt Ltd	Indore	Sale of motor vehicles
17	Saheli Exports Pvt Ltd	Chennai	Production, collection & distribution of electricity
18	Savute Textiles Pvt Ltd	Kochi	Manufacturing of textiles
19	Shivani Trendz Pvt Ltd	Mumbai	Manufacturing of textiles
20	Shree Sankar Saw Mill Pvt Ltd	Kolkata	Saw mills
21	Spark Green Energy Satara Ltd	Mumbai	Production, collection & distribution of electricity
22	Sri Ramani Resorts and Hotels Pvt Ltd	Chennai	Hospitality
23	Topknit Processing Mill Pvt Ltd	Chennai	Spinning, weaving and finishing of textiles
24	Vij Agro-Exports Pvt Ltd	Chandigarh	Manufacturing of grains
25	Vistar Metal Industries Pvt Ltd	Mumbai	Manufacturing of basic iron & steel
26	Viswatma Merchandise Pvt Ltd	Kolkata	Agricultural and animal husbandry
27	Vivek Steelco Pvt Ltd	Ahmedabad	Manufacturing of basic iron & steel
28	Vyas Mercantile Pvt Ltd	Mumbai	Wholesaler



## CONTRIBUTIONS BY:

Abhirup Dasgupta | **Partner**

Pratik Ghose | **Partner**

Ishaan Duggal | **Principal Associate**

Avishek Roy Chowdhury | **Principal Associate**

Mukta Halbe | **Associate**

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