

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

C.P(IB) -350/MB/2019

Under section 10 of IBC, 2016

In the matter of

Venus Rolling Mills Private Limited,

E-8, Butibori Industrial Area, Butibori Nagpur,
Maharashtra - 441122.

....Corporate Applicant

Order delivered on: 22.04.2019

Coram:

Hon'ble Shri Bhaskara Pantula Mohan, Member (J)

Hon'ble Shri V. Nallasenapathy, Member (T)

For the Applicant: Ashish Pyasi, Advocate a/w Pragma Khaitan, Advocate, a/w Umang Thakar, Advocate, i/b Dhir & Dhir Associates.

Per :V. Nallasenapathy, Member (T)

ORDER

1. This Company Petition is filed by Venus Rolling Mills Private Limited(hereinafter called Corporate Applicant), under Section 10 of Insolvency and Bankruptcy Code 2016 ("the Code") read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016, for initiation of Corporate Insolvency Resolution process.
2. The Corporate Applicant submits that its registered office is at E-8, Buti Bori Industrial Area, Butibori, Nagpur, Maharashtra-441122 and the Company was incorporated on 03.06.2005 vide CIN U27100MH2005PTC153734 on the file of Registrar of Companies Maharashtra, having paid up share capital of Rs.25,45,75,000/-.
3. The Corporate Applicant in the Extra Ordinary General Meeting Held on 27.11.2018 resolved to initiate Corporate Insolvency Resolution Process by filing a petition u/s 10 of the Code. The Board of Directors of the Corporate Applicant in their meeting held on 27.11.2018 authorised Mr. Yatendra Singh Panwar, Director of the Company, to file necessary application under the Code.

4. The Corporate Applicant has submitted that a sum of Rs.33,31,93,201/-, due to two Financial Creditors, are in default. It is further submitted that the dues to the Operational Creditors is Rs. 5,03,57,613/-. The Corporate Applicant enclosed the loan recall notice dated 28.02.2018 issued by Federal Bank demanding a sum of Rs. 30,96,36,644/- from the Corporate Applicant, which shows that the Corporate Applicant defaulted in loan repayment.
5. The Corporate Applicant has enclosed the audited financial statements for the years 2016-17 and 2017-18, provisional financial statements upto 15.01.2019, list of assets and liabilities of the Corporate Applicant, list of financial creditors and operational creditors, list of properties given as security for the loans availed, names and addresses of the members of the Company with details of their shareholding and details of debt owed by the Corporate Applicant to or by persons connected with the Corporate Applicant.
6. The Corporate Applicant proposed Mr. Devendra Singh, registration No. as IBBI/IPA-002/IP-N00001/2016-17/10001 having address at ATS Greens Paradiso, Flat No. 02054, Tower 2, Plot No. GH-03, Sector CHI-04, Greater Noida 201308 e-mail dev_singh2006@yahoo.com as Interim Resolution Professional (IRP) to carry the functions as mentioned under the Code.
7. On perusal of the Petition and the documents annexed with the Petition, this Bench is of the considered view that there are debts and the Corporate Applicant has committed default in repayment of the debts and the Petition contains the particulars as required u/s 10 of the Code. Hence, this Bench hereby admits this petition, declaring moratorium with consequential directions as mentioned below:
 - (i) That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the Corporate Applicant including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority; transferring, encumbering, alienating or disposing of by the Corporate Applicant any of its assets or any legal right or beneficial interest therein; any action to foreclose, recover or enforce any security interest created by the Corporate Applicant in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the Corporate Applicant.

- (ii) That the supply of essential goods or services to the Corporate Applicant, if continuing, shall not be terminated or suspended or interrupted during moratorium period.
- (iii) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- (iv) That the order of moratorium shall have effect from 22.04.2019 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of Section 31 or passes an order for liquidation of Corporate Applicant under Section 33, as the case may be.
- (v) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under Section 13 of the Code.
- (vi) That this Bench hereby appoints Mr. Devendra Singh, registration No. as IBBI/IPA-002/IP-N00001/2016-17/10001 having address at ATS Greens Paradiso, Flat No. 02054, Tower 2, Plot No. GH-03, Sector CHI-04, Greater Noida 201308 e-mail dev_singh2006@yahoo.com as Interim Resolution Professional to carry the functions as mentioned under the Code.
8. Accordingly, this Petition is admitted.
9. The Registry is hereby directed to communicate this order to the Corporate Applicant and the IRP immediately.

SD/-
V. Nallasenapathy
Member (Technical)

SD/-
Bhaskara Pantula Mohan
Member (Judicial)