

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH BENCH

COURT No.1

(through hybrid mode)

ITEM No. 120

IA No. 91/2024, IA No. 2281/2023, IA(I.B.C)/684 (CH)2024

**CP(IB) No. 324/Chd/Hry/2019
(Admitted)**

IN THE MATTER OF:-

Raj Road Carrier

...Petitioner

Versus

Hambro Tech India Pvt. Ltd.

...Respondent

Under Section:9, 33(2), 12(2), 66(1), IBC 2016

Order delivered on 15.05.2024

CORAM:

**SH. L. N. GUPTA
MEMBER (TECHNICAL)**

**SH. HARNAM SINGH THAKUR
MEMBER (JUDICIAL)**

PRESENT:

**For the applicant in : Mr. Vishav Bharti Gupta, Advocate
all the IAs**

ORDER

IA No. 2281/2023

The present application has been filed under Section 12(2) of the Code. It is stated by Id. counsel for the applicant that since the application for liquidation is already filed as IA No.91/2024, therefore, the present application is rendered infructuous and stands ***disposed of*** accordingly.

IA(I.B.C)/684 (CH)2024

The present application has been filed under Section 66 of the Code by the RP. Heard. Issue notice of this application to the respondent(s). The applicant shall collect the notices from the Registry and send the same by speed post as well as by e-mail, if available, immediately to the respondent(s) at their registered address

attaching therewith copy of the application and the entire paper book and the copy of this order.

In case, the service of speed post on the aforesaid respondent(s) is not effected, the applicant shall adopt the mode of substituted service and the notice of hearing be advertised in two daily newspapers (one English and one Hindi) having wide circulation in the area.

The applicant shall file affidavit of service supported by postal receipt, tracking report, paper clippings and copy of e-mail within two weeks.

Reply be filed within two weeks after receipt of notice with a copy in advance to the counsel opposite. Rejoinder thereto, if any, be filed one week thereafter with a copy in advance to the counsel opposite.

List on 22.07.2024.

IA No. 91/2024

The present application has been filed by the RP for seeking liquidation of the corporate debtor. Ld. counsel appearing for the RP submits that the CoC in its 6th Meeting held on 09.11.2023 vide Agenda Item No.4, has resolved to liquidate the corporate debtor and the said resolution has been passed with 100 per cent voting share of CoC.

In terms of the above, the corporate debtor is ordered to be liquidated. As per the provisions of the Code, Mr. Anil Kumar having Registration No.IBBI/IPA-001/IP-P00144/2017-2018/10308 is appointed as liquidator of the Corporate Debtor from the current Panel received from the IBBI to carry out the liquidation process inter alia in terms of the following directions:

- a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 (viz. Sections 35, 36, 38, 39 and 41 thereof) and other relevant rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended up to date, enjoined upon him.
- b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.
- c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file a suitable application before this Adjudicating Authority.
- d) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.
- e) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and a fresh Moratorium under section 33(5) of the Insolvency and Bankruptcy Code shall commence.
- f) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section - 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company applications during the process of liquidation.
- g) The Liquidator shall submit a Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per regulation. 13 of the

Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further reports as are required to be filed under the relevant Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.

h) Copy of this order be sent to the financial creditors, Corporate Debtor and the Liquidator for taking necessary steps and for extending the necessary cooperation in relation to the Liquidation process of the Corporate Debtor, viz., company-in-liquidation.

i) The Registry is directed to communicate this order to the Registrar of Companies, having jurisdiction over the Corporate Debtor and the Insolvency and Bankruptcy Board of India;

It goes without saying that fee of the Liquidator would be payable in terms of the provisions of Section 34 (7) of the IBC, 2016 read with Regulation 4 of IBBI (Liquidation Process) Regulation 2016.

Thus, IA No.91/2024 stands ***allowed and disposed of*** accordingly.

Sd/-
(L. N. GUPTA)
MEMBER (TECHNICAL)
Tanvi

Sd/-
(HARNAM SINGH THAKUR)
MEMBER (JUDICIAL)