

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

COURT – IV

34.

IA(IBC)(LIQ.)/30(MB)2024
IN C.P. (IB)/968(MB)2022

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON 24.04.2024

NAME OF THE PARTIES: Edge Brand Architects (India)
Private Limited

SECTION: 10, 33(1) (b) (i) to (iii) r/w Sec 33(3) OF THE INSOLVENCY AND
BANKRUPTCY CODE, 2016.

ORDER

IA(IBC)(LIQ.)/30(MB)2024

1. Mr. Rajat Chaudhary *i/b* Mrs. Samita Dhurve, Ld. Counsel for the Applicant / Resolution Professional present through VC.
2. This is an application filed by Mr. Gautam Singal, Resolution Professional of the Corporate Debtor (*i.e.* Applicant herein) on 01.02.2024, seeking liquidation of **M/s. EDGE Brand Architects (India) Private Limited** *u/s.* 33(1)(a) *r/w* Sec. 33(2) of Insolvency and Bankruptcy Code, 2016 (“hereinafter “Code”) *r/w* Rule 11 of NCLT Rules, 2016.
3. **The brief facts of the Application are as follows:**
 - 3.1. The records evince that this Tribunal was pleased to admit the captioned petition filed by the Applicant therein *viz.* **M/s. EDGE Brand Architects (India) Private Limited** filed *u/s.* 10 of the IBC, 2016 *vide* Order dated 09.05.2023. Corporate Insolvency Resolution Process (CIRP) was thereby initiated, and one Mr. Laxmikant Yeshwant Desai was appointed as the Interim Resolution Professional (“IRP”) *vide* the afore-mentioned Order.

- 3.2. In the 1st CoC meeting dated 19.06.2023, the CoC sought to approve replacement of the said IRP, and one Mr. Pramodkumar Ramesh Ladda was thereby appointed as the Resolution Professional (“RP”). The Applicant herein submits Form-G was effectively issued on 24.07.2023 and the publication was duly carried out in two newspapers. The RP caused to admit the claim filed by **M/s. Piramal Capital & Housing Finance Limited** (“Financial Creditor”) and sought to re-constitute the CoC. On an application filed by the Applicant, this Tribunal was sought to appoint **Mr. Gautam Singhal** *viz.* Applicant herein as the Resolution Professional of the Corporate Debtor *vide* Order dated 16.08.2023.
- 3.3. The Applicant submits that a resolution was passed for determining the quantitative-cum-qualitative eligibility criteria for Prospective Resolution Applicant(s) (“PRA”) in the third CoC meeting held on 01.08.2023. The same was however not approved by CoC. Subsequently, the resolution to publish the fresh Form-G was approved by the CoC with 100% voting in fourth CoC meeting dated 15.09.2023. The Applicant thus re-published the Form-G on 19.09.2023 inviting EOI from the PRAs.
- 3.4. After publication of Form-G, the Applicant received two EoIs from the PRAs, out of which only one PRA *viz.* **Subhlaxmi Investment Advisory Private Limited** was found eligible. The Applicant accordingly circulated the provisional list of PRA on 15.10.2023. The Applicant thereafter issued Information Memorandum (“IM”) and Request for Resolution Plan (“RFRP”) to the sole eligible PRA on 24.10.2023, and caused to circulate the final list of PRA with the last date of receipt of resolution plan set out as 24.11.2023. During the intervening period and to enable the fruition of the Resolution Plan,

this Tribunal was pleased to grant exclusion of 14 days along with extension of 90 days *vide* Order dated 07.12.2023.

3.5. On account of the E-mail dated 15.11.2023 received by the Applicant herein from Subhlaxmi Investment Advisory Private Limited *viz.* the sole PRA, expressing its unwillingness to submit the resolution plan; The same was duly communicated to the CoC. Pursuant to which, the members of CoC via the 6th CoC meeting dated 12.01.2024, sought to approve the resolution of liquidation with a voting share of 100%. Accordingly, the Applicant filed the present Application bearing I.A.(IBC)(Liq.)/30(MB)2024 for approval of Liquidation of the Corporate Debtor.

4. Having due regards to the facts and circumstances as pressed by the Applicant in the captioned application and from a due perusal of the records here-with; This Bench is of the considered view that the Corporate Debtor ought to be liquidated. Accordingly, this Bench orders that –

- a. The Corporate Debtor *viz.* **M/s. EDGE Brand Architects (India) Private Limited** is 'under liquidation' *w.e.f.* the date of the order.
- b. Mr. Atul Narayan Naik, an Insolvency Professional, having IBBI Registration Number: IBBI/IPA-003/ICAI-N-0385/2021-2022/14011, is hereby appointed as 'Liquidator' to conduct liquidation process of M/s. EDGE Brand Architects (India) Private Limited, as provided under Section 34(1) of the Code.
- c. The Liquidator would be entitled to the fees as mutually agreed between the Liquidator and the CoC or as provided in Regulation 4(2)(b) of the IBBI (Liquidation Process Regulations), 2016 to conduct the liquidation proceedings.
- d. The Liquidator appointed in this case to initiate liquidation process as envisaged under Chapter-III of the Code by following the liquidation

process given in the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016. The Liquidator to send this order to the RoC under which this Company has been registered.

- e.* The Liquidator appointed under section 34(1) of the Code, will have all powers of the Board of Directors, Key Managerial Personnel and the Partners of the Corporate Debtor, as the case may be, shall cease to have effect and shall be vested with the Liquidator.
- f.* The Corporate Debtor to be liquidated in the manner as laid down in the Chapter by issuing Public Notice stating that the Corporate Debtor is in liquidation with a direction to the Liquidator to send this order to the RoC under which this Company has been registered.
- g.* The personnel of the Corporate Debtor are directed to extend all co-operation to the Liquidator as required by him in managing the liquidation process of the Corporate Debtor.
- h.* On having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceeding shall be instituted by or against the Corporate Debtor save and except the liberty to the Liquidator to institute suit or other legal proceedings on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority.
- i.* The Liquidator shall take necessary legal action to recover the Trade Receivables and other Credits such as Loans and Advances from the parties which are reflected in the latest Balance Sheet of the Corporate Debtor, if any. This direction is hereby given in concurrence of the jurisdiction prescribed u/s. 33(5) of the Code.
- j.* This liquidation order u/s 33(7) shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate

Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

- k.* Moratorium declared *vide* Order dated 09.05.2023 in C.P. (IB)/968(MB)2022, henceforth ceases to exist.
 - l.* The Liquidator shall undertake to submit the progress report of liquidation periodically.
4. With the above directions, the IA-30/2024 in C.P.(IB)/968(MB)2022 filed *u/s.* 33 of the Code by the Applicant, is hereby **Allowed** and **Disposed of**.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)