

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, COURT II**

CP (IB) 532/MB/C-II/2022

Under section 10 of the Insolvency & Bankruptcy Code, 2016 r.w. Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016

In the matter of

M/s. Bizgo India Private Limited

[CIN: 74999MH2018FTC312606]

Registered office No. 403, 4th Floor,
Suchita Business Park, Y S Jhadav Marg,
Station Road, Pant Nagar, Ghatkopar
East, Mumbai, Maharashtra- 400077.

...Corporate Applicant

Order Pronounced on 3.07.2024

Coram:

Anil Raj Chellan

Member (Technical)

Kuldip Kumar Kareer

Member (Judicial)

Appearances:

For the Corporate Applicant

: Adv. Deep Morabia a/w Adv. Dipti
Das and Adv. Sunil A. Vyas

ORDER

Per: Coram

1. This Application is filed under Section 10 of the Insolvency and Bankruptcy Code, 2016 ("**the Code**") read with Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 by Bizgo India Private Ltd (in short, "**the Corporate Applicant**") for initiation of Corporate Insolvency Resolution Process (**CIRP**) following a default in meeting the financial obligations to its Creditors as shown in the Company Petition filed in Form-6.
2. As per Part –I of the Application, the Corporate Applicant is a Private Limited Company incorporated on 8.08.2018 bearing CIN: U35990MH2007PTC169517 and having its Registered office at Office No. 403, 4th Floor, Suchita Business Park, Y S Jhadav Marg, Station Road, Pant Nagar, Ghatkopar East, Mumbai, Maharashtra- 400077. Bizgo Holdings Pte Ltd holds the entire shareholding of the Corporate Applicant and the main objects of the Corporate Applicant include, inter alia, the development of software, and any and everything related to licensing, provisioning, support, distribution, services, consulting, and OEM.
3. Part – II of the application, mentioned that the Corporate Applicant has proposed – Mr. Srinivas Thatikonda having Registration No. IBBI/IPA-002/IP-N00631/2018-2019/11886., as the Interim Resolution Professional (**IRP**), who has also filed his written consent in Form -2.

4. It is stated in the Application that the Corporate Applicant availed working capital from its holding Company (Bizgo Holdings Pte. Ltd) on the terms and conditions contained in the letter dated 30.08.2018. The amount was either paid to the creditors of the Corporate Applicant directly or deposited into the account of the Corporate Applicant. As of 12.08.2021, a sum of Rs. 1,75,70,758/- was payable and the creditor demanded the amount vide its notice dated 12.08.2021. No amount could be paid by the Corporate Applicant. In addition, there are a few other Operational Creditors to the Corporate Applicant.
5. The documents produced by the Applicant to prove the existence of debt are as follows:
 - a) Copy of the correspondences exchanged between the Corporate Applicant and Bizgo Holdings Pte. Ltd.
 - b) Copy of the demand letter and final reminder letter, evidencing default by the Corporate Applicant.
 - c) Copy of the list of other Operation Creditors.
 - d) Copy of the invoices raised by the Operation Creditors.
 - e) Copy of the list of assets and liabilities of the Corporate Applicant.
 - f) Copy of Bank Statement.
 - g) Copy of list of Shareholders.
 - h) Copy of Memorandum of Association and Articles of Association of the Corporate Applicant.
 - i) Audited Financials for FY 2020, 2021, and provisional financials as on 31.03.2022.

6. The Extraordinary general meeting of the Corporate Applicant was held on 24.03.2022 wherein several factors affecting the business and revenue, earning capacity of the Corporate Applicant, and the defaults in repayment of its debts were discussed and thereafter it was resolved to initiate CIRP for resolution of debt. Mr. Amit Biyani, Director was also authorized to initiate the CIRP proceedings in respect of the Corporate Applicant.
7. A sum of Rs. 1,75,70,758/- (Rupees One Crore Seventy-Five Lakhs Seventy Thousand Seven Hundred Fifty-Eight Only) as on 12.08.2021 was due and payable by the Corporate Applicant to Bizgo Holdings Pte Ltd.
8. Other debts of the Corporate Applicant are as follows:

Sr. No.	Particulars of Operational Creditors	Outstanding Dues
1.	Bizgo Holdings Pte. Ltd.	Rs. 1,75,70,758/-
2.	Singhi & Co., Chartered Accountants	Rs. 12,61,200/-
3.	Srinivasulu V	Rs. 6,01,501/-
4.	Neha Amit Associates	Rs. 36,000/-
5.	Bharti Airtel Limited	Rs. 233/-

6.	Facebook India Online Services Pvt. Ltd.	Rs. 175/-
Total		Rs. 1,94,69,857/-

9. The outstanding liabilities of the Corporate Applicant are regularly acknowledged in the balance sheets, the latest being 31.03.2023 of the Corporate Applicant. The entry in the balance sheet amounts to an acknowledgment of liability under section 18 of the Limitation Act, 1961 in light of the judgement of the Hon'ble Supreme Court in the matter of *Assets Reconstruction (India) Limited versus Bishal Jaiswal and others*, MANU/ SC/ 0279/2021. The default of the Corporate Applicant is admittedly above the threshold limit prescribed under Section 4 of the Code, and the default is well within the period of limitation.
10. Thus, the Corporate Applicant has established the existence of debt and its default beyond the threshold limit prescribed under Section 4 of the Code which is also not barred by limitation and the Company Petition is complete and no disciplinary proceeding is pending against the proposed resolution applicant. Thus, we hold that this is a fit case for admission. Accordingly, the Company Petition **C. P. No. 532 of 2022** is admitted in the following terms:

ORDER

- a. **The above Company Petition No. (IB) 532/(MB)/2022 is hereby admitted and initiation of**

the Corporate Insolvency Resolution Process (CIRP)
is ordered against **M/s Bizgo India Private Limited.**

- b. This Bench hereby **appoints Mr. Srinivas Thatikonda, Registration No: IBBI/IPA-002/IP-N00631/2018-2019/11886** as the **Interim Resolution Professional** having his address at Flat No. 006, Nanda Ashirwad Apartments, No.1, Canara Bank Colony, 2nd Main, Chandra Layout, Bangalore, Karnataka- 560072 **Email :- srinivas@srinivasthatikonda.com** ; to carry out the functions as mentioned under the Insolvency & Bankruptcy Code, 2016.
- c. The Corporate Applicant shall deposit an amount of **Rs. 4,00,000/-** (Rupees Four Lakhs Only) towards the **initial CIRP cost** by way of a Demand Draft drawn in favour of the Interim Resolution Professional appointed herein, immediately upon communication of this Order.
- d. That this Bench hereby prohibits the institution of suits or continuation of pending suits or proceedings against the corporate Applicant including the 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 enforce any security interest created by the corporate applicant in respect of its property including any action under the Securitization 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.

- e. That the supply of essential goods or services to the Corporate Applicant, if continuing, shall not be terminated or suspended, or interrupted during the moratorium period.
- f. 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.
- g. That the order of moratorium shall have effect from the date of pronouncement of this order 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 the corporate applicant under section 33, as the case may be.

- h. That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under section 13 of the Code.
 - i. During the CIRP period, the management the Corporate Applicant will vest in the IRP/RP. The suspended directors and employees of the Corporate Applicant shall provide all documents in their possession and furnish every information in their knowledge to the IRP/RP.
 - j. Registry shall send a copy of this order to the concerned Registrar of Companies, Mumbai for updating the Master Data of the Corporate Applicant.
11. The Registry is hereby directed to communicate this order to Applicant and IRP immediately.

Sd/-

Anil Raj Chellan
Member (Technical)

Sd/-

Kuldip Kumar Kareer
Member (Judicial)