

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **09.05.2024** THROUGH VIDEO CONFERENCING

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

IN THE MATTER OF : Jyothy Labs Ltd
Vs
Abhiraami Chemicals Ltd

MAIN PETITION NUMBER : CP(IB)/11(CHE)/2021

(IA/MA) APPLICATION NUMBERS

IA(DIS)/8/CHE/2024

ORDER

Present: None for the Applicant / Liquidator.

Vide separate order announced in Open Court, IA(DIS)/8/CHE/2024 is allowed and the company M/s. Abhiraami Chemicals Ltd is dissolved.

File be consigned to records.

Sd/-

Sd/-

(VENKATARAMAN SUBRAMANIAM)
MEMBER (TECHNICAL)

MG

(SANJIV JAIN)
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

IA(DIS)/8(CHE)/2024 in CP(IB)/11/CHE/2021

(Filed under Section 54 of the Insolvency and Bankruptcy Code, 2016)

In the matter of Abhiraami Chemicals Limited

Mr. M.Alagar

Liquidator of Abhiraami Chemicals Limited

Peralam Main Road,

Thirunallar,

Karaikal – 609 607

... Applicant

Order Pronounced on 09th May 2024

CORAM

SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Applicant: T.V.Suresh Kumar, Advocate

ORDER

(Hearing Conducted through VC)

This Application has been filed under Section 54 of the Insolvency and Bankruptcy Code, 2016 by the liquidator of the Corporate Debtor herein seeking for an order for Dissolution of the Corporate Debtor viz., **ABHIRAAMI CHEMICALS LIMITED**.

2. It is stated that CIRP of the Corporate Debtor was initiated by this Tribunal vide order dated 04.10.2021 and the Applicant herein was appointed as Interim Resolution Professional (IRP) and thereafter as Resolution Professional (RP).

3. It is stated that the Liquidation of the Corporate Debtor was ordered by this Tribunal on 19.09.2022 in IA/173/CHE/2022 and the Applicant herein was appointed as the Liquidator.

4. Pursuant to the order of Liquidation, the Applicant caused the Public Announcement on 23.09.2022 in Form -B of Schedule II by inviting claims from all the stakeholders and fixed the last date for submission of claim as 20.10.2022 and the Liquidator received the claims from various stakeholders.

5. It is stated that the Liquidator duly verified the claims and prepared the list of stakeholders on 02.12.2022 and submitted the List of Claims before this Tribunal along with the Preliminary Report. The Liquidator did not receive further claims and therefore, the list of

stakeholders and list of claims remain the same as submitted before this Tribunal.

6. It is stated that the Applicant had sent intimation letters to the various statutory authorities like ESI, PF, GST and Income Tax authorities on 10-10-2022 intimating the commencement of liquidation of the Corporate Debtor. The Income Tax Authority has provided its No-objection upon the receipt of the intimation letters.

7. It is stated that the Liquidator the Liquidator opened a bank account for the Corporate Debtor in the name and style of Abhiraami Chemicals Limited under Liquidation with State Bank of India, Mylapore Branch.

8. It is stated that the applicant in accordance with Regulation 31A of the Liquidation Regulations, the Stakeholders Consultation Committee (SCC) was duly constituted on 18.11.2022 comprising of the stakeholders of the Corporate Debtor.

9. It is stated that the requirement for Valuation of assets do not arise as the Corporate Debtor does not have any Immovable or Movable assets other than the assets mentioned herein below:

S.NO	Nature of Asset	Estimated Realization Value
1	Bank Balance	5,33,068
2	Deposits	30,000
	Total	5,63,068

Therefore, the need for valuation does not arise.

10. It is stated that that the Corporate Debtor had certain realizable and refundable funds and in order to recover the same, the Liquidator had undertaken certain recovery process. The Liquidator was able to recover an amount of Rs. 48,580/- along with interest available with the Electricity Department of Puducherry. The Liquidator was unable to recover the deposit available with NSDL amounting to Rs.10,000/- and balance of Rs.25,152/- from Kotak Mahindra Bank that was transferred to DEAF ACCOUNT.

11. It is stated that as per the Meeting of Committee of Creditors (COC) held on 26.11.2021, the fees of the Liquidator was decided as a sum of Rs. 1,60,000/- for the entire liquidation period, from the date of the Adjudicating Authority passing the Order till the date of completion

of liquidation. However, as the Corporate Debtor does not have sufficient funds, the Liquidator has suo moto decided to reduce his fees to Rs. 1,30,000/-. In addition to the fees payable to the liquidator any expenses incurred by the liquidator pertaining to the liquidation process shall also be payable to the liquidator.

12. It is stated that the details of the Liquidation Cost is as follows:

S.No.	Particulars	Cost (Amount in Rs.)
1.	Liquidator Fees	1,30,000
2.	Advertisement expenses	25,200
3.	Postal and printing charges	4,002.36
4.	Annual Filing	6000
5.	Reimbursement charges	1200
6.	Professional Fees	50,000
7.	Reimbursement expenses to advocate	10,000
8.	Audit Fees for liquidation account	30,000
9.	Statutory Audit Fees	40,000
10.	Bank Charges	127.96
	TOTAL	2,96,530.32

13. The details of the relevant compliances as mandated under Section 54 of the IBC, 2016 read with the IBBI (Liquidation Process) Regulations, 2016 are listed hereunder:-

S. No	COMPLIANCE	AVERMENTS	PAGE NO. IN THE APPLICATION
1	Regulation 12	Public Announcement in Form B in Indian Express and Dinamani dated 23.09.2022	31-32
2	Regulation 35(2)	Appointment of Registered Valuers where no valuation conducted during CIRP	As the CD did not have any fixed assets, registered valuers not appointed - Paragraph 13
3	Regulation 31(2)	List of Stakeholders within 45 days of the Liquidation Commencement Date	73
4	Regulation 31A	Constitution of Stakeholders Consultation Committee (SCC)	77
5	Regulation 13	Preliminary Report	51
6	Regulation 34	Preparation of Asset Memorandum within Seventy-Five days from LCD	64
7	Regulation 41	Opening of Bank Account in the name of the company in Liquidation in "State Bank of India "	Para 8 of the Application
8		Proof of Closure of the above Bank Account and other account in the name of the Company	110-111
9	Regulation 15	Quarterly Progress Reports and proof of filing the same before this Tribunal	48
10	Regulation 36	Asset Sale Reports after sale of Reports	As the CD did not have any fixed assets and only had liquid assets in form of Bank balance and Security Deposits, Asset sale report was not prepared
11	Regulation 42(2)	Proof of Distribution within Ninety days from the receipt of realization	Para 20 of the application and Annexure 12 of the application
12	Regulation 45 (3)	Final report dated 18.09.2023	Annexure A & C
13	Regulation 5 (1) (e)	Compilation of Minutes of SCC	96
14	Regulation 15	Audited Accounts of receipts and Payments	91
15	Regulation 37	Completion of Liquidation Process within one year from Liquidation Commencement Date or extension if any, date of the order & period	Para 21 of the application
16		Form-H –Compliance Certificate	124-135

14. We have heard Ld. Counsel for the Applicant and perused the report and synopsis filed by the Liquidator.

15. It is stated in Form H that no applications are pending before this Tribunal for avoidance, Preferential, Undervalued or Fraudulent Transactions.

16. The liquidator has filed the synopsis showing the realization and the distribution which are reproduced as under:

Realization:

Sl. No.	Assets	Mode of Sale	Estimated Liquidation Value	Realisation Amount (Rs.)	Date of Transfer to Liquidation Account
(1)	(2)	(3)	(4)	(5)	(6)
1.	Balance with Banks Current account: i. Indian Bank (Karaikal) ii. State Bank of India (Karaikal)		7,881.55 5,25,186.00	7,881.55 5,25,186.00	23.12.2022 21.12.2022
2.	Security Deposit with NSDL		10,000	Not Realized, as the amount	NA

				was adjusted towards pending fees	
3.	NSC pledged with Electricity Department, Pudhucherry		8,400	45,580/-	27.07.2023
4.	Kotak Mahindra Bank, Current Account (transferred to DEAF A/c)		25,152	Not Realized as the amount was transferred to Depositor Education and Awareness Fund	NA
	TOTAL		5,76,619	5,78,647	

Distribution:

(Amount in Rs.)

Sl No	Stakeholders* under section 53 (1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claim	Remarks

					ed (%)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	(a): CIRP Costs					
2	(a): Liquidation Costs	2,96,530	2,96,530	2,96,530	100%	
3	(b)(i) Workman Dues	NA	NA	NA	NA	NA
4	(b)(ii) Secured Creditors	NA	NA	NA	NA	NA
5	(c) Wages due to employees other than workman	NA	NA	NA	NA	NA
6	(d) unsecured Creditors	1,12,33,885	1,12,33,885	1,87,738	1.68%	
7	(e)(i) Govt Dues	3,37,666	3,37,666	0	0	Out of the claim amount, Rs.94,380 was paid as asset held under trust outside the liquidation estate
8	(e) (ii)	NA	NA	NA	NA	
9	(f) remaining dues	1,84,98,364	1,80,48,639	0	0	
10	(g) Preference shareholders	NA	NA	NA	NA	
11	(h) Equity Shareholders	NA	NA	NA	NA	
Total		3,03,66,445	2,99,12,820	4,84,268		

17. From the averments made in the Application along with the perusal of the final report and the Compliance Certificate filed in Form-

H by the Applicant, it is seen that the Corporate Debtor has been completely liquidated. In the circumstances as averred and as prayed for by the Applicant, an order for dissolution is required to be passed by this Tribunal under Section 54 of the IBC, 2016. Accordingly, we order for the dissolution of the Corporate Debtor viz., *Abhiraami Chemicals Limited*. The Liquidator is directed to forward the copy of this Order to the RoC concerned and also to the IBBI for its records within a period of 7 days from the date of this Order.

18. In terms of the above, this IA/(DIS) 8/CHE/2024 stands **allowed** and CP/IB/11/CHE/2021 also stands **disposed of**. File be consigned to records.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)

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