

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH BENCH

COURT No.1

(through hybrid mode)

ITEM No. 111

IA No.1786/23

in

CP (IB) No. 125/Chd/Hry/2022

(Admitted)

IN THE MATTER OF:-

Eco Auto Components Ltd

...Petitioner

Under Section: 33(2), IBC 201,10, IBC 2016

Order delivered on 01.02.2024

CORAM:

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

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

PRESENT:

For the Applicant : Mr. Viren Sharma, Advocate

ORDER

IA No.1786/23

Affidavit to place on record the written consent of the proposed Liquidator has been filed vide Diary No. 02429/3 dated 25.01.2024. The same is taken on record. It is also stated in the written consent of the proposed liquidator, that he is not subject to any disciplinary proceedings by the IBBI. The present application has been filed by the Liquidator praying for the order under Section 33(2) of the Insolvency and Bankruptcy Code, 2016 to liquidate the Corporate Debtor. Learned counsel in this regard has referred to Page No. 160 of the application. The Resolution for liquidation has been passed by the CoC in its meeting held on 04.07.2023 with 100% voting shares. In light of averments and submissions made by learned counsel when necessary compliance of Regulation 39(b), 39(c) and 39(d) has been made, thus, application for liquidation can be allowed. Mr.

Sudhanshu Gupta is appointed as Liquidator bearing Registration No. IBBI/IPA-002/IP-N00216/2017-18/10668, e-mail: sg-1973@rediffmail.com, his consent is on record and his AFA is valid up to 14.12.2024. The Law Research Associate of this Adjudicating Authority has checked the credentials of Mr. Sudhanshu Gupta and nothing adverse has been found against him.

2. Accordingly, by exercising our power under Section 33(2) we pass the following orders:-

- i. The Corporate debtor be liquidated with immediate effect in the manner provided under Chapter III Part II of the IBC 2016;
- ii. Mr. Sudhanshu Gupta, Shall take over the charge of the entire records and assets of the corporate and perform his duty, as required under the Code and Regulations
- iii. The liquidator is directed to take custody and control of the assets, property of the Corporate Debtor with immediate effect and made a public announcement clearly stating that the Corporate Debtor is under Liquidation in terms of Regulation 12 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016;
- iv. The Provision of Section 33 (5), (6) and (7) of the IBC, 2016 shall have come into force with immediate effect. 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;
- v. This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the corporate debtor as per Section 33(7) of the Insolvency and Bankruptcy Code, 2016;

- vi. The Liquidator shall submit a Preliminary Report to the Adjudicating Authority within seventy-five (75) days from the Liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016;
- vii. The Liquidator shall file regular progress reports as per Regulation 15 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016 every fortnightly thereafter;
- viii. 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 under Section 33(5) of the Code.
- ix. On initiation of the liquidation process but 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 proceeding on behalf of the Corporate Debtor with prior approval of this Adjudicating Authority, as provided in Section 33(5) of the Code read with its proviso.
- x. That all the 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 in the liquidator;
- xi. That the personnel of the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as may be required by him in managing the affairs of the Corporate Debtor and provisions of Section 19 of the Code shall apply in relation to voluntary liquidation process as they apply in relation to

liquidation process with the substitution of references to the liquidator for references to the Interim Resolution Professional

- xii. The liquidator will be entitled to the protection of action taken in a good faith as per the provisions of Section 233 of the Insolvency and Bankruptcy Code 2016
- xiii. The Registry is directed to communicate a copy of the Order to the Corporate Debtor immediately;
- xiv. A copy of this order be sent by the Registry to the concerned Registrar of Companies (RoC) for updating Master Data. After updating Master Data, RoC shall send a compliance report to the Registrar, NCLT, within a period of 30 days.
- xv. The Registry and Liquidator are directed to communicate a copy of this Order to the Insolvency and Bankruptcy Board of India for their record.
- xvi. The Liquidator is at liberty to seek any directions, if need be, from this Tribunal during the Liquidation Process.

Thus, IA No. 1786/2023 is **allowed and disposed of accordingly**.

Sd/-

(L.N. Gupta)
MEMBER (TECHNICAL)
Preeti

Sd/-

(HARNAM SINGH THAKUR)
MEMBER (JUDICIAL)