

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH**

**ITEM No. 101**  
**(IB)-318(PB)/2023**

**IN THE MATTER OF:**

Simpa Energy India Private Limited ... Petitioner/Applicant

**Order under Section 59 of Insolvency & Bankruptcy Code, 2016.**

**Order delivered on 23.05.2023**

**CORAM:**

**JUSTICE RAMALINGAM SUDHAKAR**  
**HON'BLE PRESIDENT**

**SH. SH. ATUL CHATURVEDI**  
**HON'BLE MEMBER (T)**

**(HEARING THROUGH PHYSICAL MODE AND VC)**

**PRESENT:**

For the Applicant : Mr. Shivang Mukherji, Adv.

**ORDER**

Ld. Counsel Mr. Shivang Mukherji appeared for the applicant.

The applicant is directed to prepare the gist of the matter, as per the checklist extracted below:

**SYNOPSIS**

<b>S No.</b> <b>(1)</b>	<b>Compliance</b> <b>(2)</b>	<b>(Yes / No)</b> <b>(3)</b>	<b>Reference</b> <b>(4)</b>
1.	<b>(Sec. 59(3)(a) read with Regulation 3(4))</b> <i>Declaration by way of an Affidavit from majority of the Directors to be filed.</i>		
2.	<b>(Sec. 59(3)(b)(i))</b> <i>Audited Financial Statements and record of business operations for the previous two years to be filed.</i>		
3.	<b>(Sec. 59(3)(b)(ii))</b> <i>Valuation Report to be filed.</i>		
4.	<b>(Sec. 59(3)(c)(i))</b> <i>Special Resolution requiring the</i>		

	<i>Company to be liquidated voluntarily and appointing an insolvency professional within 4 weeks from the Declaration made under Section 59(3)(a).</i>		
5.	<b>(Proviso to Sec. 59(3)(c))</b> <i>Approval of Resolution passed under Section 59(3)(c) by creditors (2/3<sup>rd</sup> in value) if any, within 7 days from the date of Resolution.</i>		
6.	<b>(Sec. 59(4))</b> <i>Intimation to RoC &amp; IBBI within 7 days from the date of the Resolution under 59(3)(c) or after approval of the creditors</i>		
7.	<b>(Regulation 14)</b> <i>Proof of Public Announcement made in 'Form - A' within 5 days from the date of appointment</i>		
8.	<b>(Regulation 30)</b> <i>List of Stakeholders in case of claims under Chapter V of the Regulations</i>		
9.	<b>(Regulation 9)</b> <i>'Preliminary Report' along with proof of submission of the same to the Company within 45 days from the LCD</i>		
10.	<b>(Regulation 34)</b> <i>Opening of Bank Account in the name of the Company followed by the words 'in liquidation' in a Scheduled Bank</i>		
11.	<i>Proof of Closure of the above Bank Account and any other account in the name of the Company</i>		
12.	<b>(Regulation 35)</b> <i>Proof of distribution within six months from the receipt of realization</i>		
13.	<b>(Regulation 38)</b> <i>'Final Report' along with proof of</i>		

	<i>submission of the same to RoC &amp; IBBI</i>		
14.	<b>(Regulation 37)</b> <i>Completion of liquidation process within twelve months from LCD</i>		
15.	<b>(Regulation 37)</b> <i>Annual Status Report prepared (if any)</i>		

16. REALISATION:

<b>Sl. No.</b>	<b>Particulars</b>	<b>Amount (Rs)</b>
(1)	(2)	(3)
1	Sale of Assets	
2	Refund from Statutory Authorities	
3	Cash / Bank balance	
4	Realization of uncalled/unpaid capital contribution	
5	Distribution of unsold asset	
6	Any other (Please specify)	
<b>Total</b>		

17. DISTRIBUTION:

<b>Sl. No.</b>	<b>Stakeholders * under Section 52 and 53 (1)</b>	<b>Amount Claimed</b>	<b>Amount Admitted</b>	<b>Amount Distributed</b>	<b>Amount Distributed to the Amount Claimed</b>	<b>Remarks</b>
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Realization of Security Interest					
2	Liquidation Cost [Sec. 53(1)(a)]					
3	Workmen's Dues [Sec. 53(1)(b)(i)]					
4	Debts of Secured Creditors [Sec. 53(1)(b)(ii)]					

5	Wages and Unpaid Dues to Employees[Sec 53(1)(c)]					
6	Debts of Unsecured Financial Creditors [Sec. 53(1)(d)]					
7	Government Dues + Amount Unpaid following Enforcement of Security Interest					
8	Any remaining Debts and Dues [Sec. 53(1)(f)]					
9	Preference Shareholders [Sec.					
10	Equity Shareholders [Sec.53(1)(h)					
<b>Total</b>						

Notice be issued to Regulatory Authority, returnable on **31.05.2023**.

List the matter again **on 31.05.2023** for a physical hearing.

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**(RAMALINGAM SUDHAKAR)**  
**PRESIDENT**

-sd-  
**(SH. ATUL CHATURVEDI)**  
**MEMBER (TECHNICAL)**