

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-III

ITEM No. 308
IB-759/ND/2023

IN THE MATTER OF:

M/s. Goldilocks India Pvt. Ltd.

.... Petitioner/Applicant

Order under Section 59 of the IBC, 2016

Order delivered on 12.04.2024

CORAM:

SHRI BACHU VENKAT BALARAM DAS
HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI
HON'BLE MEMBER (TECHNICAL)

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For Applicant : Mr. Alok Kumar Tripathi (PCS)
For Respondent :

ORDER

Ld. Counsel appears for the Applicant.

On 22.12.2023 the Applicant was directed to file an affidavit indicating the reasons for seeking voluntary liquidation of the Company. Although an affidavit has been filed, no reasons have been mentioned therein. We therefore, grant one more opportunity to enable the Applicant to file a better affidavit.

In the meantime, we deem it appropriate to issue notice to the RoC.

The Applicant is directed to serve notice on the RoC and file proof of service along with an affidavit within one week.

The RoC is directed to file reply affidavit within one week thereafter.

We also direct the Applicant to submit the following checklist within one week:

SYNOPSIS

S No.	Compliance	(Yes / No)	Reference
(1)	(2)	(3)	(4)
1.	(Sec. 59(3)(a) read with		

	Regulation 3(4) <i>Declaration by way of an Affidavit from majority of the Directors to be filed.</i>		
2.	(Sec. 59(3)(b)(i)) <i>Audited Financial Statements and record of business operations for the previous two years to be filed.</i>		
3.	(Sec. 59(3)(b)(ii)) <i>Valuation Report to be filed.</i>		
4.	(Sec. 59(3)(c)(i)) <i>Special Resolution requiring the Company to be liquidated voluntarily and appointing an insolvency professional within 4 weeks from the Declaration made under Section 59(3)(a).</i>		
5.	(Proviso to Sec. 59(3)(c)) <i>Approval of Resolution passed under Section 59(3)(c) by creditors (2/3rd in value) if any, within 7 days from the date of Resolution.</i>		
6.	(Sec. 59(4)) <i>Intimation to RoC & IBBI within 7 days from the date of the Resolution under 59(3)(c) or after approval of the creditors</i>		
7.	(Regulation 14) <i>Proof of Public Announcement made in 'Form - A' within 5 days from the date of appointment</i>		
8.	(Regulation 30) <i>List of Stakeholders in case of claims under Chapter V of the Regulations</i>		
9.	(Regulation 9) <i>'Preliminary Report' along with</i>		

	<i>proof of submission of the same to the Company within 45 days from the LCD</i>		
10.	(Regulation 34) <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.	(Regulation 35) <i>Proof of distribution within six months from the receipt of realization</i>		
13.	(Regulation 38) <i>'Final Report' along with proof of submission of the same to RoC & IBBI</i>		
14.	(Regulation 37) <i>Completion of liquidation process within twelve months from LCD</i>		
15.	(Regulation 37) <i>Annual Status Report prepared (if any)</i>		

16. REALISATION:

Sl. No.	Particulars	Amount (Rs)
(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)	

Total	
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17. DISTRIBUTION:

Sl. No.	Stakeholders* under Section 52 and 53 (1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed (%)	Remarks
(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 [Sec.53(1)(e)]					
8	Any remaining Debts and Dues [Sec. 53(1)(f)]					
9	Preference Shareholders [Sec. 53(1)(g)]					
10	Equity Shareholders [Sec.53(1)(h)]					
Total						

List the matter **on 03.05.2023.**

-Sd-
(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

ANAND DUBEY

-Sd-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)