IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.3

IA(Co.Act)/17(AHM)2024 in
CP(IB) 51 of 2011 (Old)
in
TP 20 of 2016

Order under Section 277(4) of Co. Act, 2013 & Rule 28 of (Winding Up) Rules, 2020

IN THE MATTER OF:

RAVI KAPOOR LIQUIDATOR OF ONAEX NATURA PRIVATE LIMITED (IN LIQUIDATION) **.....Applicant**

.....Respondent

Order delivered on: 13/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-
SHAMMI KHAN
MEMBER (JUDICIAL)

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.4

IA(Co.Act)/29(AHM)2024 in
CP(IB) 51 of 2011 (Old)
in
TP 20 of 2016

Order under Section 281(1), 288(1) & 287(3) of Co. Act, 2013 r.w Rule 25(1), 37(1), 76 & 199 of Companies (Winding Up) Rules, 2020

IN THE MATTER OF:

RAVI KAPOOR. liquidator of Onaex Nature Private Limited **.....Applicant**

.....Respondent

Order delivered on: 13/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-
SHAMMI KHAN
MEMBER (JUDICIAL)

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.5

IA(Co.Act)/30(AHM)2024 in
CP(IB) 51 of 2011 (Old)
in
TP 20 of 2016

Order under Section 277(4) of Co. Act, 2013 & Rule 28 of (Winding Up) Rules, 2020

IN THE MATTER OF:

RAVI KAPOOR Liquidator of Onaex Natura Private Limited **.....Applicant**

.....Respondent

Order delivered on: 13/05/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant :
For the Respondent :

ORDER

The case is fixed for pronouncement of the order. The order is pronounced in the open court, vide separate sheet.

-Sd-
SAMEER KAKAR
MEMBER (TECHNICAL)

-Sd-
SHAMMI KHAN
MEMBER (JUDICIAL)

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH –I, AHMEDABAD

I.A.(Co. Act)/17(AHM) 2024
I.A.(Co. Act)/29(AHM) 2024
I.A.(Co. Act)/30(AHM) 2024
In
TP No. 20/397-398/NCLT/AHM/2016

In the matter of :

Ravi Kapoor

Liquidator of

Onaex Natura Private Limited (In Liquidation)

402, Shaival Plaza, Gujarat College Road,

Ellisbridge, Ahmedabad.

....Applicant

Order pronounced on 13.05.2024

CORAM:

SH. SHAMMI KHAN, MEMBER (JUDICIAL)
SH. SAMEER KAKAR, MEMBER (TECHNICAL)

PRESENT:

For the Liquidator : Mr. Tirth Nayak, Advocate
For Applicant : Mr. Jay Salva, Senior Advocate

O R D E R
Per: **Bench**

I.A.(Co. Act)/17(AHM) 2024

1. This is an application filed under Section 277(4) of Co. Act, 2013 & Rule 28 of Companies (Winding up)

Rules, 2020 by the Liquidator seeking following reliefs:-

A. *The Hon'ble Adjudicating Authority may be pleased to constitute winding up committee in terms of provision of Section 277(4) of Companies Act 2013.*

B. *The Hon'ble Adjudicating Authority take into the record the provisional list of contributory as prepared and filed by the liquidator appointed by this tribunal.*

C. *The Hon'ble Adjudicating Authority provide a date for settlement of list of contributory and finalization of the same in terms of Rule 30 of Companies (Winding Up) Rules 2020 read with Section 285 of Companies Act, 2013*

2. The brief facts of the case are mentioned as below:-

a) The applicant is the Liquidator of the Company (i.e. Onaex Natura Private Limited) appointed by this Hon'ble Tribunal u/s 275 of the Companies Act 2013 vide order dated 17.01.2024 (Certified copy of order intimated to liquidator on 29.01.2024) passed by this Hon'ble Tribunal in I.A. No.39/NCLT/AHM/2016 & I.A. No.87 / NCLT/ AHM/2017 in CP (IB) No.51/397-

398/CLB/MB/2011 (Old) in TP No.20/397-398/NCLT/AHM/2016.

b) It is stated that as required under Rule 20, advertisement of order of winding of in the matter of Onaex Natura Private Limited, was published on 29.01.2024, in Times of India, English and Financial Express, Gujarati both at Ahmedabad location where registered office of the Company is situated.

c) It is stated by the applicant that as required under section 275 (6) of the Companies Act, 2013 and rule 14(5) of Companies (Winding Up) Rules 2017, declaration of independence by liquidator was duly filed before this Tribunal.

d) The present application is filed by the applicant under Section 277(4) of Companies Act 2013 and Rule 28 of Companies (Winding Up) Rules 2017 for direction seeking constitution of winding up committee and submission of

provisional list of contributories with this Tribunal.

e) It is stated that the Company undergoing liquidation in present case does not have any secured creditors.

f) It is submitted that Rule 28 of Companies (Winding Up) Rules 2017 provides for submission of provisional list of Contributories for consideration of this Tribunal. Based on information handed over by the directors/ ex-employee of the Company, liquidator has prepared provisional list of contributory in prescribed Form WIN- 17 which is annexed with the application.

3. However, on 09.05.2024 during the course of hearing submitted that **Prayer-C** made in IA(Co.Act)/17(AHM)2024 is not pressed and may be dropped for the time being which was allowed by the Tribunal.

I.A.(Co. Act)/29(AHM) 2024

4. This is an application filed under Section 281(1) and 287(3) of Co. Act, 2013 & Rule 25(1), 37(1), 76 and 119 28 of Companies (Winding up) Rules, 2020 for placing on record Report of Company Liquidator, Progress report of Liquidation, Report of Result of Meeting of Creditors and Contributors and List of Creditors.

I.A.(Co. Act)/30(AHM) 2024

5. This is an application filed for condonation of delay of 13 days in filing I.A.(Co. Act)/17(AHM) 2024 under Section 277(4) of Co. Act, 2013 & to appoint the Applicant and/ or such other person, if required as the sole member of Winding Up Committee under Section 277(4) of Co. Act, 2013 or may dispensed with the requirement of the Winding Up Committee.

6. The Applicant/ liquidator submitted that the order in IA No .39 / NCLT/ AHM / 2016 & I.A. No.87/ NCLT/ AHM / 2017 in CP(IB) No.51/ 397- 398/ CLB/ MB/ 2011 (Old) 1n TP No.20/ 397-

398/ NCLT/ AHM / 2016 was passed by this Hon'ble Tribunal on 17.01.2024 . However, a copy of the same was served on the liquidator only on 29.01.2024. The Applicant became aware of the order only on 29.01.2024 and his appointment.

7. The Applicant/ liquidator further submitted that the said Company has no secured creditors. Further there are no immovable properties of the Company and the only assets are the Fixed Deposits/ Balance lying in the bank account. Therefore, the Hon'ble Tribunal may consider the same and dispense the requirement of appointing a professional nominated by the Tribunal and a nominee of the secured creditors need not have to be appointed. Accordingly, the court may consider that the present Applicant, and/ or such other persons as this Hon'ble Tribunal may deem appropriate, be nominated as the member of the Winding Up committee while passing orders in I.A. No. 17 of 2024.

8. We have heard the Counsel for the applicant/liquidator and perused the records.

9. This I.A.(Co. Act)/29(AHM) 2024 is in formal in nature which is allowed and Report of Company Liquidator, Progress report of Liquidation, Report of Result of Meeting of Creditors and Contributors and List of Creditors are taken on record. Accordingly, **I.A.(Co. Act)/29(AHM) 2024** is disposed of.

10. The Provisions of Section 277(4) of Companies Act, 2013 and Rule 29 of Companies (Winding Up) Rules,2020 which are relevant for deciding the present application are reproduced below:-

Section 277(4):

(4) Within three weeks from the date of passing of winding up order, the Company Liquidator shall make an application to the Tribunal for constitution of a winding up committee to assist and monitor the progress of liquidation proceedings by the Company Liquidator in carrying out the function as provided in sub-section (5) and such winding up committee shall comprise of the following persons, namely:-

(i) Official Liquidator attached to the Tribunal;

(ii) nominee of secured creditors; and

(iii) a professional nominated by the Tribunal.

11. In TP No.20/397-398/NCLT/AHM/2016, the winding up order has already been passed by this Tribunal vide order dated 17.01.2024 and thereafter the present application under Section 277 (4) of the Companies Act, 2013 has been filed within three weeks from the date of passing of the winding up order (13 days delay).

12. This application has been filed on 20.02.2024 for constitution of a winding up committee to assist and monitor the progress of the liquidation proceeding by the company liquidator in carrying out its function as provided in sub-section (5) of the Companies Act, 2013, to take on record provisional list of contributories and to fix date for settlement of list of contributories. The Applicant has requested to condone the delay of 13 days from the date of order of winding up by explain the reasons for delay.

13. Further there are no immovable properties of the Company and the only assets are the Fixed Deposits/ Balance lying in the bank account. Therefore, no useful purpose will be served appointing any professional or Official Liquidator for the Winding Up Committee.

14. Accordingly, we dispose of the I.A. No. 17 of 2024 & I.A. No. 30 of 2024 with the following directions: -

    a) The Delay of 13 days in filing I.A. No. 17 of 2024 is condoned.

    b) The winding up committee shall consist only of Liquidator namely, **Mr. Ravi Kapoor,** Insolvency Professional, having registration no: IBBI/IPA-002/IP-N00121/2017-18/10290, email ID: ravi@ravics.com, Mobile No.9825063147. Since, there are no assets and secured creditors in the company the need to appoint Official Liquidator, any professional or nominee of secured creditor does not arise.

c) The Company Liquidator shall be the convener of the meetings of the winding up committee which shall assist and monitor the liquidation proceedings.

d) The Company Liquidator shall place before the Tribunal a report along with minutes of the meetings of the committee on monthly basis duly signed by the members present in the meeting for consideration till the final report for dissolution of the company is submitted before the Tribunal.

e) The Company Liquidator shall prepare the draft final report for consideration and approval of the winding up committee.

f) The final report so approved by the winding up committee shall be submitted by the Company Liquidator before the Tribunal for passing of a dissolution order in respect of the company.

g) The Company Liquidator is directed to serve the copy of this Order to the Registrar of Companies and all other concerned parties.

h) With the above directions, the **I.A. No. 17 of 2024** & **I.A. No. 30 of 2024** in TP No. 20/397-398/NCLT/AHM/2016 are allowed and disposed of.

-Sd-	-Sd-
SAMEER KAKAR	**SHAMMI KHAN**
MEMBER (TECHNICAL)	**MEMBER (JUDICIAL)**