

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**BENGALURU BENCH, BENGALURU**  
*(Through Physical Hearing / VC mode [Hybrid])*

**ITEM No. 14**  
**IA No.216 of 2024 in**  
**CP (IB) No.05/BB/2022**

**IN THE MATTER OF:**

Mr. A.N. Srinivasa Raje Urs  
Sole Proprietor of M/s. Sri Krishna Enterprises ... Petitioner  
Vs.  
M/s. Shryeas Papers Pvt. Ltd. ... Respondent

**Order under Section 9 of Insolvency & Bankruptcy Code, 2016**

**Order delivered on: 16.04.2024**

**CORAM:**

**SHRI K. BISWAL**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI MANOJ KUMAR DUBEY**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For IA 216/2024 : Shri Atul Madhavan, Adv. for Applicant  
For IA 216/2024 : Shri Srivatsa Rao, Adv. for R1 to R3

**ORDER**

**IA No.216 of 2024:**

1. This application has been filed by 'The Kanara District Central Co-operative Bank Ltd., Sirsi' (herein after referred to as 'Applicant') under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016 seeking a direction that the Corporate Insolvency Resolution Process (CIRP) in CP (IB) No.05/BB/2022 against the 1<sup>st</sup> Respondent i.e. M/s. Shreyas Papers Pvt. Ltd. be consolidated along with CIRP of the 2<sup>nd</sup> Respondent i.e. M/s. Shreenidhi Papers Pvt. Ltd. in CP (IB) No.118/BB/2022 in the interests of justice, and direct the 3<sup>rd</sup> Respondent i.e. Mr. Shyam Prasad, RP, to carry on the duties and perform the function of the Resolution Professional of consolidated CIRP of 1<sup>st</sup> Respondent and the 2<sup>nd</sup> Respondent in accordance with the provisions of IBC, 2016.
2. Heard the Ld. Counsels for the Parties.

3. Ld. Counsel for the Applicant stated that the Applicant is the sole Member of the Committee of Creditors in both the 1<sup>st</sup> and 2<sup>nd</sup> Respondent Companies and that it is vital to ensure that the CIRP of the 1<sup>st</sup> and 2<sup>nd</sup> Respondent Companies are consolidated to ensure that there is value maximization. Since there is a charge in respect of the land owned by the 2<sup>nd</sup> Respondent in favour of the Applicant, it would be in the interests of all the stakeholders to consolidate the CIRPs of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Furthermore, the Plants of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents are established on Lands that are abutting each other and therefore prays to allow this Application so that the lands owned by both the 1<sup>st</sup> and 2<sup>nd</sup> Respondent Companies would be grouped together and the prospects of revival of the Companies would significantly soar. It is also stated in both these Companies the majority owners are the same and also has common Registered Office and common Directors, etc. In this regard, he has placed reliance on the Judgment of the Hon'ble NCLAT in the case of *Giriraj Enterprises v. Regen Powertech and Others, in Company Appeal (AT) (CH) (Ins.) No.323 of 2021 decided on 31.08.2023*, wherein, it has held that if the workings of the two Corporate Debtors are deeply interlinked, then the CIRPs of such Corporate Debtors must be consolidated in order to achieve maximum value realisation. On the other hand, Shri Srivatsa Rao, learned Counsel appearing on behalf of Respondent Nos.1 to 3 accepts notice and undertakes to file Vakalath, has stated that they do not have any objection regarding the combining the CIRPs in respect of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Ld. Counsel for the Respondents is directed to file his Vakalath within 3 days.
4. In the circumstances and for the reasons stated in the Application and considering the aforementioned Judgment of the Hon'ble NCLAT, the instant IA is hereby allowed by directing that the CIRP in CP (IB) No.05/BB/2022 be consolidated along with CIRP in CP (IB) No.118/BB/2022 and the Respondent No.3 Mr. Shyam Prasad is directed to carry out his duties and functions as the Resolution Professional of the consolidated CIRP of the 1<sup>st</sup> and 2<sup>nd</sup> Respondent Companies, in accordance with the Code and the Regulations made thereunder.
5. Accordingly, **IA No.216 of 2024 stands disposed of.**

**Sd/-**  
**MANOJ KUMAR DUBEY**  
**MEMBER (TECHNICAL)**

Krishna

**Sd/-**  
**K. BISWAL**  
**MEMBER (JUDICIAL)**