

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – II, CHENNAI**

I.A (IBC) (DIS) / 1 / 2024

In

CP (IB)/660(CHE)/2019

*(Filed under Section 54(1) of the Insolvency and Bankruptcy Code, 2016
and Regulation 45(3) of the IBBI (Liquidation Process Regulations), 2016)*

In the matter of **M/s. AUTOMOTIVE COACHES AND COMPONENTS LIMITED**

E. SANTHANALAKSHMI

Liquidator,

M/s. Automotive Coaches and Components Limited (In Liquidation)

(Reg. No.: IBBI/002/IP-N00831/2019-2020/12661)

No.42B, Sree Krishna Flats, S-1, 2nd Floor, LIC Nagar 2nd Street,

Madippakkam, Chennai – 600 091

... Applicant / Petitioner

Order Pronounced on 03rd May 2024

CORAM

SHRI. JYOTI KUMAR TRIPATHI, MEMBER (JUDICIAL)

SHRI. RAVICHANDRAN RAMASAMY, MEMBER (TECHNICAL)

(Through Virtual Hearing)

Present: -

For Applicant : E. Santhanalakshmi, Party in Person

ORDER

1. The present Application has been filed under Section 54(1) of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'Code') and Regulation 45(3) of IBBI (Liquidation Process Regulations), 2016 (hereinafter referred to as 'Regulations') r/w Rule 11 of NCLT Rules, 2016 (hereinafter referred to as 'Rules') by the Liquidator seeking an order of dissolution of **M/s. Automotive Coaches and Components Limited**, having CIN: U34100TN1980PLC008389, C1 & D6, Sipcot Industrial Complex, Gummidipoondi, Thiruvallur, Tamil Nadu - India – 601201 (hereinafter referred to as '**Corporate Debtor**').
2. It is stated that CIRP in respect of the Corporate Debtor was initiated on 03.09.2019 in IBA/660/2019. Liquidation of the Corporate Debtor was ordered by this Tribunal

vide order dated 18.03.2022 and Mrs. Subata M Maity was appointed as the liquidator vide IA(IBC)/848(CHE)/2021 in IBA/660/2019. Further vide order dated 22.08.2022 in IA (IBC)/872(CHE) 2022 in IBA/660/2019, the Applicant herein was appointed as the Liquidator.

3. It is stated that pursuant to the Liquidation order the Applicant made a public announcement on 20.03.2022 in 'Financial Express' (English) and 'Dinamani' (Tamil). The last date for submission of the claim before the Applicant was fixed as 17.04.2022.
4. The applicant submits the revised stakeholders list and claims received vide IA (IBC)/270(CHE) 2023.

FILING UNDER CLAUSE (d) OF SUB-REGULATION (5) OF REGULATION 31 OF IBBI (LIQUIDATION PROCESS) REGULATION 2016											
Name of the Corporate Debtor:		AUTOMOTIVE COACHES AND COMPONENTS LIMITED		Date of Commencement of Liquidator		16/09/2022		List of Stakeholders as on 30/12/2022			
Sl.No.	Category of stakeholders	Summary of claims received		Summary of claims admitted		Amount of contingent claims	Amount of claims rejected	Amount of claims under verification		Details of Annexure	Remarks, if any
		No. of Claims	Amount	No. of Claim	Amount			No. of Claim	Amount		
1	Unpaid insolvency resolution process costs										
2	Liquidation costs incurred till date				1,62,72,438						Including the refund of Rs.1.55 Crore made to the unsuccessful Resolution Applicant
3	Secured Financial creditors	1	1,231,644,468.87	0	0	0	0	1	1,231,644,468.87		Refer Notes
4	Unsecured Financial Creditors	0	0	0	0	0	0	0	0		Refer Notes
5	Operational Creditors (Workmen)	337	467936808.02	0	0	0	0	337	467936808.02		Refer Notes
6	Operational Creditors (Employees)										Refer Notes
7	Operational Creditors (Government Dues)	7	40703535					7	40703535		Refer Notes
8	Operational Creditors (Other than Workmen, Employees and Government Dues)	44	200360930.17	0	0	0	0	44	200360930.17		Refer Notes
9	Other Stakeholders, if any (Government Dues)	5	366764830	0	0	0	0	5	366764830		Refer Notes
	Total	394	2,306,910,572.06	0	1,62,72,438	0	0	394	2,306,910,572.06		Refer Notes

5. The Applicant submits that the asset of the Corporate debtor were successfully sold out through the public auctions which was conducted through an entity called Bankauctions.com for which the notices were published in 'Dinamani' (Tamil) and 'Financial Express' (English). The Applicant submits that they have made the distribution of sale proceeds according to Section 53 of IBC and unclaimed and

undistributed claim of superannuation amount of Rs.11,85,293 (Rupees Eleven lakh eighty five thousand two hundred and ninety three only) with interest of Rs.47,542/- @ 12% P.a totally amounting to Rs.12,32,837/- has been deposited with IBBI on 30.11.2023.

6. The Applicant states that the assets and affairs of the corporate debtor have been completely liquidated hence seeking for dissolution of the corporate debtor. The realization is as follows,

Sl. No	Assets	Mode of Sale	Estimated Liquidation Value	Realisation Amount (Rs.)	Date of Transfer to Liquidation Account
(1)	(2)	(3)	(4)	(5)	(6)
1	Scrap Material at Pondicherry Unit	Sold by erstwhile RP but part payment realised during present liquidator	-	30,00,010	14-03-2023
2	Plant & Machinery at both the unit	E-auction	4,48,31,756/-	4,73,00,000/-	10-03-2023 - EMD 10-04-2023 - Balance
3	Leasehold land with buildings at Gummidipoondi Unit	E-auction	37,00,32,000/-	32,70,18,422/-	07-05-2023 - EMD 04/08/2023 - Balance
4	Freehold Land & Building at Puducherry	E-auction	12,04,91,000/-	9,95,00,000/-	23-05-2023 - EMD 22-06-2023 - Balance
5	Used Trailer (1 no) with Prime Mover (1 no) and Lorry (1 no)	E-auction	13,76,250/-	8,74,200/-	08th and 20th June 2023 - EMD 18th July 2023 - Balance
6	Waste papers and old records at Gummidipoondi Unit	Disposal of perishable goods	Rs.12/kg * 8170 KG	98,040/-	29-11-2023 - Rs.85,000 01/12/2023 - Rs.12,000/- 14/12/2023 - Rs.1,040/-
7	Closure of bank accounts	Details given in Para 7, Page 8 of the Application		1,96,03,202/-	

7. The Applicant/Liquidator in his Closure report (the Progress report) dated 14.01.2022, has stated the details of CIRP expenses and Liquidation cost of Corporate Debtor in the table as below,

Sl. No.	Stakeholders* under section 53 (1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed (%)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	(a) CIRP Costs					If Rs. 18113853.53 towards Salary was paid to Workmen and Employees for the period they worked during the CIRP period. This is treated as CIRP cost.
2	(a) Liquidation Costs	338.69	338.69	338.69	100	
3	(b)(i)	3153	897	897	28.45	CIRP cost mentioned above is included in this amount. Contingent amount paid using the liquidation estate.
4	(b)(ii)	12,316	12,316	3395	27.57	
5	(c)	415	151	151	36.39	
6	(d)	0	0	0	0	
7	(e)(i)	4379	4379	219	5	If Rs. 2,18,58,058/- paid to EPF Office on top priority.
8	(e)(ii)	0	0	0	0	
9	(f)	1315	1315	0	0	
10	(g)	0	0	0	0	
11	(h)	0	0	0	0	
Total		21915	19380	5244	23.93%	

8. Heard the submissions made by the Learned Counsel for the Applicant and perused the documents on record. It can be seen from the Liquidator's Form H (Compliance

Certificate) that Assets has been realized and is transferred to the liquidation account and bank account is closed.

3. The details of the assets as per Asset Memorandum and Final Sale Report are as under:

Sl. No.	Assets	Mode of Sale	Estimated Liquidation Value	Realisation Amount (Rs.)	Date of Transfer to Liquidation Account
(1)	(2)	(3)	(4)	(5)	(6)
1	Scrap Material at Pondicherry Unit	Sold by erstwhile RP but part payment realised during present Liquidator	-	30,00,010	14-03-2023
2	Plant & Machinery at both the unit	E-auction	4,48,31,756/-	4,73,00,000/-	10-03-2023 - EMD 10-04-2023 - Balance
3	Leasehold land with buildings at Gummidipoondi Unit	E-auction	37,00,32,000/-	32,70,18,422/-	07-03-2023 - EMD 04/08/2023 - Balance
4	Freehold Land & Building at Puducherry	E-auction	12,04,91,000/-	9,95,00,000/-	23-03-2023 - FMD 22-06-2023 - Balance
5	Used Trailer (1 no) with Prime Mover (1 no) and Lorry (1 no)	E-auction	13,76,250/-	8,74,200/-	18th and 20th June 2023 - EMD 18th July 2023 - Balance
6	Waste papers and old records at Gummidipoondi Unit	Disposal of perishable goods	Rs.12/kg * 8170 KG	98,040/-	29-11-2023 - Rs.85,000 01/12/2023 - Rs.12,000/- 14/12/2023 - Rs.1,040/-
7	Closure of bank accounts	Details given in Para 7, Page 8 of the Application		1,96,03,202/-	

9. In the Audited Receipts & Payments filed by the Liquidator dated 13.01.2024, the details of the Receipts and Payments for the period commencing from 02.11.2022 to 15.12.2023 have been tabulated and same are below,

AUTOMOTIVE COACHES AND COMPONENTS LIMITED in liquidation						
RECEIPTS AND PAYMENTS ACCO						
Description of receipts	Receipts					
	As on 31st Dec 2022	As on 31st Mar 2023	As on 31st Jun 2023	As on 31st Sep 2023	As on 15th Dec 2023	Cumulative Total as on 15th Dec 2023
Opening Balance of Canara Bank Account		11,34,884	65,05,961	17,24,18,596	24,76,666	
Closure of Bank account - State Bank Of India - Gummidipoondi	1,51,91,785					1,51,91,785
Closure of Bank account - Bank of Maharashtra, Haveli Mumbai	23,17,431					23,17,431
Refund of TDS amount		6,000				6,000
Sale of spare materials to Sri Kanugavalli Enterprises and Healths (Balance Amount)		40,80,012				40,80,012
EMD Amount deposit- Sun Metal Industrial Suppliers		44,80,000				44,80,000
Sale of Plant and Machinery - Sri Saravana Steel (EMD and balance sale amount)		44,80,000	5,13,34,000			5,58,14,000
Sale of Land & Building at Gummidipoondi - PRIVATE LIMITED SEERVICE POINT PVT LTD (EMD and balance sale amount)			3,21,00,000	29,49,18,422		32,70,18,422
Sale of Land & building at Pondicherry - SE SERVICE POINT PRIVATE LIMITED			9,95,00,000			9,95,00,000
Sale of Company Vehicles - AMLENT PRIVATE LIMITED (EMD and Balance Sale amount)			89,900	9,62,720		10,72,620
Reimbursement for Solar Power Light			45,360			45,360
Closure of Bank Account - Indian Bank, Gummidipoondi			19,65,486			19,65,486
Closure of Bank Account - Indian Bank, RA Puram				37,145		37,145
Interest from Bank			2,73,479			2,73,479
Closure of bank account - Indian bank, Harbour Branch				4,189		4,189
Closure of Bank account - Indian Bank, Narayanam Branch				41,738		41,738
Collection from Sundry debtor NEUCO			5,65,630			5,65,630
Collection from Sundry debtor AN Motors				9,800		9,800
Collection from Sundry debtor Poly House Enterprises				32,058		32,058
Closure of Gratuity Fund Account of Pondicherry Unit - Indian Bank - RA Puram				3,924		3,924
Closure of Gratuity Policy from LIC - 4 Nos				92,16,779		92,16,779
Closure of Gratuity Policy from LIC - Superannuation				7,94,164		7,94,164
Interest Income on closure of Fixed Deposit - Canara Bank				7,10,034		7,10,034
Closure of Gratuity Fund Account - Catholic Syrian Bank Ltd, Pondicherry				6,56,737		6,56,737
Sale of waste papers					98,040	98,040
Tax payment return back from Employee salary					4,28,648	4,28,648
Total	1,76,09,216	1,41,80,896	19,23,79,816	47,98,28,307	30,02,254	52,43,65,481

E Santhasalakshmi, Liquidator
Registration No- IBBI/002/MP-N00831/2019 -2020/12661

n [IA(IBC)/872(CHE)/2022 & MA(IBC)/95(CHE)/2021 in IBA/660/2019]						
UNIT AS ON 15TH DECEMBER 2023						
Description of Payments	Payments					Cumulative Tot as on 15th Dec 2023
	As on 31st Dec 2022	As on 31st Mar 2023	As on 31st Jun 2023	As on 31st Sep 2023	As on 15th Dec 2023	
Security Service Charges	4,87,109	16,65,593	7,03,439	2,86,448		31,42,589
Goods and Service Tax Payments	2,65,353	7,63,020	94,97,511	1,43,504		1,06,69,388
TDS Payments	4,920	37,833	54,811	85,742	3,660	1,86,306
Bank Charges	1,196	605	376	39,253	1,793	43,123
NCLT / MCA filing fees	3,000	4,000	1,000			8,000
Travelling Expenses	24,630	38,718	21,742	16,074	16,176	1,17,340
Lunch/Tea/water expenses	3,829	5,158	3,409			12,396
Xerox Charges	1,225	4,648	1,763			7,636
Miscellaneous expenses - cable purchases/banner/computer service/petrol and other expenses	14,648	13,810	3,019			31,477
Payment for Solar Power Light		45,360				45,360
Professional fees		2,87,210	10,000	4,94,450	92,400	8,84,060
Support Service charges	35,400		97,200			1,32,600
Advocate fees	33,022		47,232			80,254
Public Announcement Charges		2,62,139	77,875			3,40,014
Rental Payment for computers		53,961				53,961
e-auction charges		12,980	3,08,726			3,21,706
Labour charges- to move scrap			15,000			15,000
Canteen Expenses						-
Remuneration to Liquidator				1,77,61,222	16,638	1,77,77,860
Liquidation cost	8,74,332	31,94,935	1,08,43,094	1,88,26,693	1,30,007	3,33,69,062
Refund of EMD to unsuccessful Resolution Applicant (Rs. 1.55CRs) And unsuccessful bidder P&M (Rs.44.80 Lacs)	1,55,00,000	44,80,000				1,99,80,000
Distribution to stakeholders-EPF			91,18,125	1,26,50,403	89,530	2,18,58,058
Distribution to stakeholders (Gratuity, wages, superannuation)				10,78,75,645	43,333	10,79,18,978
Distribution to Bank of Maharashtra				33,80,00,000	15,00,000	33,95,00,000
Transfer to IBB - corporate liq account- Unclaimed amount					12,32,837	12,32,837
Provision for post dissolution expenses					6,546	6,546
Total Expenses	1,63,74,332	76,74,935	1,99,61,219	47,73,52,741	30,02,254	52,43,65,481
Closing Balance in Canara Bank - ACCL In Liquidation A/C No 120002073834	11,34,884	65,05,961	17,24,18,596	24,75,566	NIL	NIL
	1,75,09,216	1,41,80,896	19,23,79,816	47,98,28,307	30,02,254	52,43,65,481



For Mahesh Lakshmanadass & Co

10. In the Compliance Certificate filed in Form-H by the Applicant, there is no record about the PUF transactions in respect of the Corporate Debtor. The Applicant submits that assets and affairs of the corporate debtor have been completely liquidated. Receipts and Payments of the liquidation account certified by the auditor are also filed.
11. From the submissions of the Counsel and on perusal of the records we find that there are no realizable assets in the Corporate Debtor.
12. Section 54 of the IBC, 2016 provides as follows: -

"Section 54

(1) Where the assets of the corporate debtor have been completely liquidated, the liquidator shall make an application to the Adjudicating Authority for the dissolution of such corporate debtor.

- (2) *The Adjudicating Authority shall on application filed by the liquidator under sub-section (1) order that the corporate debtor shall be dissolved from the date of that order and the corporate debtor shall be dissolved accordingly.*
- (3) *A copy of an order under sub-section (2) shall within seven days from the date of such order, be forwarded to the authority with which the corporate debtor is registered."*

13. Regulation 14 of the IBBI (Liquidation Process) Regulation 2016 reads as follows,

"Regulation 14: Early dissolution.

Any time after the preparation of the Preliminary Report, if it appears to the liquidator that-

- (a) the realizable properties of the corporate debtor are insufficient to cover the cost of the liquidation process; and*
 - (b) the affairs of the corporate debtor do not require any further investigation;*
- he may apply to the Adjudicating Authority for early dissolution of the corporate debtor and for necessary directions in respect of such dissolution."*

14. Regulation 45 of the IBBI (Liquidation Process) Regulation 2016 reads as follows,

"Regulation 45: Final report prior to dissolution.

- (1) When the corporate debtor is liquidated, the liquidator shall make an account of the liquidation, showing how it has been conducted and how the corporate debtor's assets have been liquidated.*
- (2) If the liquidation cost exceeds the estimated liquidation cost provided in the Preliminary Report, the liquidator shall explain the reasons for the same.*
- (3) The liquidator shall submit an application along with the final report and the compliance certificate in form H to the Adjudicating Authority for –*
 - (a) Closure of the liquidation process of the corporate debtor where the corporate debtor is sold as a going concern; or*
 - (b) for the dissolution of the corporate debtor, in cases not covered under clause (a).*

15. Going through the above provisions, the Circumstances prevailing and records placed before, this Tribunal, we find that it would be just and proper to order for the dissolution of the Corporate Debtor as per Section 54 of the Code.

16. Accordingly, we order the dissolution of the Corporate Debtor viz., **M/s. Automotive coaches and Components Limited**. The Liquidator is directed to forward a copy of this Order to the RoC, concerned and also to the IBBI for its records and for updating the status of the Corporate Debtor on the 'MCA Master data' within a period of 7 days from the date of this Order.
17. Accordingly, IA (IBC)(DIS)/1 (CHE) / 2024 in IBA / 660 / 2019 stands allowed and disposed of.

-Sd/-

RAVICHANDRAN RAMASAMY
MEMBER (TECHNICAL)

-Sd/-

JYOTI KUMAR TRIPATHI
MEMBER (JUDICIAL)