

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

Hearing Through: VC and Physical (Hybrid) Mode

CORAM: SHRI. RAJEEV BHARDWAJ, HON'BLE MEMBER (J)

CORAM: SHRI. SANJAY PURI, - HON'BLE MEMBER (T)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 03.04.2024 AT 10:30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC) (Liq)/04/2024 in CP (IB) No.416/9/HDB/2020
NAME OF THE COMPANY	Ariston Pharma Novatech Pvt Ltd
NAME OF THE PETITIONER(S)	Granules India ltd
NAME OF THE RESPONDENT(S)	Ariston Pharma Novatech Pvt Ltd
UNDER SECTION	9 of IBC

ORDER

IA (IBC) (Liq)/04/2024

Orders pronounced, recorded vide separate sheets. In the result, this application is allowed.

Sd/-

MEMBER (T)

Sd/-

MEMBER (J)

IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II

I.A. No.4 of 2024 in
C.P. (IB) No. 416/9/HDB/2020
u/s. 33(1)(a) of IBC 2016

In the matter of:

M/S. GRANULES INDIA LIMITED

vs.

M/S. ARISTON PHARMA NOVATECH PRIVATE LIMITED

Mr. Manjeet Bucha,
Resolution Professional of
M/s. Ariston Pharma Novatech Private Limited,
D.No.204, 2nd Floor, Shakti Sai Complex,
Chapel Road, Abids,
Hyderabad – 500 001.

....Applicant /
Resolution Professional

Date of Order: 03.04.2024

Coram:

Sri Rajeev Bhardwaj, Hon'ble Member (Judicial)

Sri Sanjay Puri, Hon'ble Member (Technical)

Counsel present:

For the Applicant : Mr. Manjeet Bucha, RP

Heard on : 26.02.2024

Per : Bench

ORDER

1. This is an Application filed by the Resolution Professional under Section 33(1), 33(2) and 34(1) read with Section 60(5) of the Insolvency and Bankruptcy Code 2016, seeking Orders for

Liquidation of the Corporate Debtor (**CD**) i.e. **M/S. ARISTON PHARMA NOVATECH PRIVATE LIMITED**; and for appointing Mr. Rajesh Chillale as the Liquidator.

Brief facts of the Application:

2. The Company Petition i.e., CP (IB)/416/9/HDB/2020 was admitted in to CIRP¹ by this Tribunal vide Order² dated 18.01.2023 and the Applicant herein, was appointed as Interim Resolution Professional (IRP).
3. On 21.01.2023, the Applicant issued a public announcement in Form-A³ through newspapers, officially declaring the commencement of the CIRP and inviting claims from creditors of the CD. In response to this announcement, the Applicant received the claims from various creditors of the CD. Subsequently, these claims were compiled, and a list of creditors was formulated in accordance with the provisions of IBC. Following this, the IRP established the Committee of Creditors⁴ (**CoC**) and submitted a report certifying the constitution of the CoC to this Tribunal.
4. The Applicant IRP was appointed as the Resolution Professional⁵ (**RP**) during the 1st CoC meeting held on 16.02.2023 and the same was confirmed by this Tribunal vide Order dated 27.03.2023.
5. In accordance with the approval of CoC in its 2nd CoC meeting⁶ convened on 17.03.2023, the Applicant RP issued Public Notice in Form-G calling for Expression of Interest (**EoI**) from Prospective Resolution Applicants (**PRAs**). In view of the poor response by the

¹ Corporate Insolvency Resolution Process.

² Pg 17-25 of the Application.

³ Pg 26-27 of the Application.

⁴ Pg 28 of the Application.

⁵ Pg 29-41 of the Application.

⁶ Pg 42-56 of the Application.

last date of submission of EoIs, the CoC in its 3rd meeting directed the Applicant to issue revised Form-G which was published on 30.04.2023.

6. The Request for Resolution Plan (**RFRP**) along with the evaluation matrix was approved by the CoC during its 4th meeting held on 06.06.2023. In response to the revised Form-G, one Mr. Vinod Kumar Parekh, PRA submitted his EoI. Following the procedures outlined in the IBC and regulations made under it, the Applicant circulated the final list of PRAs on 30.05.2023.
7. The CoC in its 4th meeting approved the submission of an application to the Adjudicating Authority to unfreeze the Bank Account of the CD with A.P Mahesh Urban Co-Operative Bank Limited.
8. In the 5th CoC meeting⁷ held on 27.06.2023, the RP informed about the completion of the mandatory CIRP period of 180 days by 17.07.2023. Accordingly, with the approval of CoC, the Applicant RP sought this Tribunal for extension of CIRP period for 90 days and the same was allowed vide Order⁸ dated 14.07.2023. Additionally, during the said meeting, the CoC passed resolutions related to the appointment of a Transactional Auditor and the ratification of fees for Registered Valuers.
9. During the 6th CoC meeting⁹ held on 24.07.2023, the RP presented the Resolution Plan received from the sole Resolution Applicant for the consideration of CoC. The CoC in its 7th meeting¹⁰ held on 16.08.2023, collectively decided to defer the voting on the Resolution Plan. Instead, the CoC expressed its

⁷ Pg 83-87 of the Application.

⁸ Pg 82 of the Application.

⁹ Pg 88-93 of the Application.

¹⁰ Pg 94-97 of the Application.

intention to negotiate with the sole Resolution Applicant to revise the proposed Resolution Plan amount of Rs.97,00,000 considering the perceived low resolution amount proposed in the plan.

10. In the 8th CoC meeting¹¹ held on 19.08.2023, it was communicated that Canara Bank, being a Financial Creditor and a member of CoC, had engaged in negotiations with the Resolution Applicant to revise the resolution plan amount. The Resolution Applicant despite initially expressing an inability to revise the Resolution Plan amount, subsequently submitted a revised Plan of Rs.1,14,85,202, for which, the CoC expressed that it required some time to evaluate the revised Resolution plan submitted by the Resolution Applicant.
11. The CoC during its 9th meeting¹² held on 15.09.2023, voted against the approval of the Resolution Plan and also voted against the Liquidation of the CD, which led to continuation of CD under CIRP.
12. In the 10th CoC meeting held on 12.10.2023, decided to publish a public advertisement in Form-G, inviting EoIs. Under this process, with the consent of CoC, the Applicant RP sought This Tribunal for further extension of CIRP period of 60 days and the same was considered vide Order¹³ dated 09.11.2023.
13. During the 11th CoC meeting¹⁴ held on 25.12.2023, the RP finally presented the resolution for Liquidation of the CD for the approval of CoC, for which, the CoC unanimously decided to initiate the

¹¹ Pg 98-100 of the Application.

¹² Pg 101-107 of the Application.

¹³ Pg 108 of the Application.

¹⁴ Pg 109-120 of the Application

Liquidation of the CD in accordance with Section 33(2) of IBC. The CoC passed the following resolution with 100% voting rights:¹⁵

"RESOLVED THAT, pursuant to the provisions of Section 33(2) of the Insolvency and Bankruptcy Code, 2016, and other applicable provisions, if any, consent of the Committee of Creditors ("COC") of Ariston Pharma Novatech Private Limited ("Corporate Debtor") be and is hereby accorded to liquidate the Corporate Debtor."

"RESOLVED FURTHER THAT Mr. Manjeet Bucha, Resolution Professional of Corporate Debtor, be and is hereby authorized to make an application before the Hon'ble National Company Law Tribunal, Hyderabad Bench, and to do all such acts, things and deeds as may be necessary to give effect to the above resolution."

It is also submitted that, during the said meeting, the members of the CoC resolved to replace the Resolution Professional to act as the Liquidator of the CD. The CoC proposed the appointment of Mr. Rajesh Chillale as the Liquidator of the CD, and this decision was made with 100% voting rights.

14. It is submitted that the IRP Mr. Rajesh Chillale has provided his consent¹⁶ to act as the Liquidator of the Company.

Decision:

15. We have heard the Learned RP and perused the records.
16. From the above, it would appear that despite all possible steps as required under the Code taken during the CIRP, the CoC did not receive any viable proposal for revival of the Company. Hence, we deem it proper to allow this Application. Accordingly, in exercise of powers conferred under Sub-Clause (i), (ii) and (iii) of Clause (b)

¹⁵ Pg 111 of the Application.

¹⁶ Pg 121-122 of the Application.

of Sub-Section (1) of Section 33 of the IBC 2016, we proceed to pass the Order as follows:

ORDER

- a. Liquidation of **M/S. ARISTON PHARMA NOVATECH PRIVATE LIMITED**, shall be conducted in the manner as laid down in Chapter III of Part II of the IBC, 2016.
- b. **Mr. Rajesh Chillale¹⁷ is appointed as Liquidator** as resolved by CoC.
- c. The Liquidator shall issue public announcement stating that Corporate Debtor is in Liquidation.
- d. The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate here from.
- e. Subject to section 52 of the IBC 2016 no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- f. All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
- g. The Liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to

¹⁷ Having Registration No. IBBI/IPA-001/IP-P00699/2017-2018/11226, B-725, Western Plaza, OU Colony, HS Darga, Manikonda, Hyderabad, Telangana, 500008, chillalrajesh@yahoo.co.in.

54 of the Code, read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.

- h. Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
- i. The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
- j. This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the Liquidation process by the Liquidator.
- k. Copy of the Order shall be furnished to the IBBI, to the Regional Director (South Eastern Region), Ministry of Corporate Affairs; Registrar of Companies & Official Liquidator, Telangana, the Registered Office of the Corporate Debtor; and the Liquidator.

With the above directions, this Application is allowed and stands disposed of.

Sd/-
(SANJAY PURI)
MEMBER (TECHNICAL)

Sd/-
(RAJEEV BHARDWAJ)
MEMBER (JUDICIAL)

VL