

SL. No.1

**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 25.04.2024 AT 10:30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC)(Liq)/07/2024 in Company Petition IB/242/2021
NAME OF THE COMPANY	Talwar Cars Pvt Ltd
NAME OF THE PETITIONER(S)	R K Mining Pvt Ltd
NAME OF THE RESPONDENT(S)	Talwar Cars Pvt Ltd
UNDER SECTION	7 of IBC

ORDER

IA (IBC)(Liq)/07/2024

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

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH, COURT - II**

**IA No (Liquidation)/7 of 2024 in
CP(IB) No. 242/2021**

*[Under Section 33(2) r/w Section 60(5) of
the Insolvency & Bankruptcy Code, 2016]*

**In the matter of
M/s. Talwar Cars Private Limited (Under CIRP)**

Between:

Mr. Santosh Bhatia
Resolution Professional of
M/s. Talwar Cars Private Limited.
Talwar Towers, #7-2-31/A, B-31,
Industrial Estate, Sanath Nagar,
Hyderabad, Telangana – 500018, India.

.... Applicant/Resolution Professional

Date:25.04.2024

CORAM:

Sri Rajeev Bhardwaj, Hon'ble Member (Judicial)
Sri Sanjay Puri, Hon'ble Member (Technical)

Counsel/Parties present:

For the Applicant : Ms. K. Sagarika Koneru, RP

[PER: BENCH]

ORDER

1. This is an Application filed by the Resolution Professional under Section 33(2) r/w Section 60(5) of the Insolvency and Bankruptcy Code 2016, on behalf of the Committee of Creditors (COC) seeking initiation of Liquidation of **M/s. Talwar Cars Private Limited, Corporate Debtor (CD)**.

2. This Adjudicating Authority, vide Order dated 09.01.2023 admitted the Company Petition and ordered initiation of Corporate Insolvency Resolution Process (CIRP) in respect of the Corporate Applicant. The last date for CIRP with extension was 05.12.2023. **(Copy of the order dated 09.01.2023, 09.08.2023 and 04.01.2024 filed as Annexure-1).**
3. On 21.01.2023, the Applicant issued public announcement in Form-A in Financial Express and Mana Telangana Newspapers. The IRP had intimated the Corporate Debtor and creditors about the commencement of CIRP. On receipt and collation of claims, the IRP constituted CoC.
4. The Applicant requested the Suspended Directors of the Corporate Debtor to extend all co-operation to him in managing the affairs of the Company. However, no co-operation was offered. Due to non-availability of audited financial statements, bank statements of the Corporate Debtor, forensic audit could not be conducted. The Applicant had identified three cars with the Corporate Debtor. Two cars are in the possession of Central Bank of India and one car is in the possession of erstwhile management of the Corporate Debtor. The Applicant had personally visited and found that the said cars are damaged and almost in scrap condition. He has not received the possession, control and custody of the inventories or any assets of the Corporate Debtor.
5. The valuation of the two vehicles were carried out and the valuation reports were duly shared with the Members of the CoC. The Applicant had informed the CoC that the transaction audit may be taken up if the requisite

information on accounting records, audited financial statements and bank statements are received, during the liquidation period.

6. The 6th CoC meeting was held on 09.02.2024, the CoC constituting 95% decided to liquidate the Corporate Debtor as the Corporate Debtor is not a going concern and was not having any assets for sale. Due to non-availability of audited books of accounts of the Corporate Debtor, Information Memorandum and Expression of Interest could not be prepared and published. The CoC had instructed the RP to intimate the Adjudicating Authority of the decision of the CoC to liquidate the Corporate Debtor and to initiate liquidation process upon availing necessary liquidation orders from this Authority. The CoC requested the RP to continue as Liquidator of the Corporate Debtor. Accordingly, the present RP has submitted his written consent.
7. We have heard the Learned Resolution Professional and perused the records.
8. From the above, it appears that despite all possible steps as required under the Code were taken during the CIRP, the CoC did not receive any viable proposal for revival of the Company. Hence, this Adjudicating Authority deems it proper to allow this Application. Accordingly, in exercise of powers conferred under Sub-Clause (i), (ii) and (iii) of Clause (b) 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. Talwar Cars Private Limited**, shall be conducted in the manner as laid down in Chapter III of Part II of the IBC, 2016.
- b. **Mr. Santosh Bhatia¹ is appointed as Liquidator**, as resolved in the CoC. He has given his consent in Form-2 and holds AFA which is valid upto 30.06.2025. He shall issue a public announcement stating therein that the Corporate Applicant is in Liquidation;
- c. The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate hereafter.
- d. 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.
- e. 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.
- f. The Liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code, read

¹ IBBI Regn No: IBBI/IPA-001/IP-P-01750/2019-2020/12668, D 1101, Lodha Meridian, 4th Phase, KPHB Colony, JNTU, Kukatpally, Hyderabad, Telangana, 500072, Phone No: 9849952375, Email: casantoshbhatia@gmail.com.

with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.

- g. Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
- h. The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
- i. 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.
- j. 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.
- k. With the above directions, this Application is allowed and stands disposed of.

Sd/-
(SANJAY PURI)
MEMBER (TECHNICAL)

Sd/-
(RAJEEV BHARDWAJ)
MEMBER (JUDICIAL)

Apoorva