

**IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI, (BENCH IV)
IA No. 2440/(ND)/2020**

IN

Company Petition No. (IB) 1281/ (ND)/2018

*[Under Section 33(1)(a) of the Insolvency and Bankruptcy Code,
2016 for liquidation of the corporate debtor]*

IN THE MATTER OF:

DEVENDRA SINGH

(RESOLUTION PROFESSIONAL
OF STRIDE AUTOPARTS LIMITED)

.... APPLICANT

And

In the matter of:

B.D. CONSTRUCTION CO.

OPERATIONAL CREDITOR

Versus

STRIDE AUTOPARTS LIMITED

CORPORATE DEBTOR

ORDER PRONOUNCED ON: __.12.2020

Coram:

DR. DEEPTI MUKESH

HON'BLE MEMBER (JUDICIAL)

MS. SUMITAPURKAYASTHA

HON'BLE MEMBER (TECHNICAL)

MEMO OF PARTIES

DEVENDRA SINGH

RESOLUTION PROFESSIONAL

OF STRIDE AUTOPARTS LIMITED

HAVING OFFICE AT:

ATS GREENS PARADISO

FLAT NO: 02054, TOWER-2

PLOT NO: GH-03

SECTOR-CHI-04

GREATER NOIDA, UP-201308

**...APPLICANT/
RESOLUTION PROFESSIONAL**

Present:

For the COC -
For RP - Pankaj Khaitan, Adv.
For the Respondent -

ORDER**PER-DR. DEEPTI MUKESH, MEMBER (J)**

1. This is an application filed by the Resolution Professional (hereinafter referred as “RP”) under Section 33 (1)(a) of Insolvency and Bankruptcy Code, 2016 (hereinafter referred as the “Code”) seeking initiation of liquidation of corporate debtor, Stride Auto parts Limited. The COC, in its the 16th meeting dated 18.03.2020, resolved to initiate liquidation of the corporate debtor.
2. The facts in brief are that the Operational Creditor, B.D. Constructions co. filed an application for initiation of Corporate Insolvency Resolution Process (CIRP), against the Corporate Debtor, Stride Auto Parts Limited. The insolvency application was admitted by this Tribunal vide order dated 08.01.2019 and Mr. Devendra Singh was appointed as Interim Resolution Professional (IRP), who was subsequently in the CoC meeting dated 11.03.2019, confirmed as the Resolution Professional of the Corporate Debtor.
3. The RP under Regulation 6 (1) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, made a public announcement on 16.01.2019, in terms of Section 15 of IBC
4. The RP collated all claims submitted by the creditors pursuant to Public Announcement and accordingly constituted a Committee of Creditors (hereinafter referred as the “COC”). In the 2nd COC meeting, dated 11.03.2019, thereafter, that Invitation for Expression of Interest was published in FORM G on 18.03.2019. Additionally Applicant herein was appointed/confirmed as the Resolution Professional of the Corporate Debtor.

5. The applicant submits that pursuant to Invitation of EOI, interests from 2 prospective resolution applicants had been received, one being Prudent ARC Limited and the other one from consortium of individuals. In addition, the applicant also received an email dated 01.04.2019 from Laurel Investments Ltd. requesting for extension of time limit for submission of EOI and accordingly the COC resolved to extend the last date for submission of EOI to 10.05.2019. Thereafter the RP vide meeting dated 14.05.2019 informed that EOI from 5 PRA's has been received, out of which four PRA's were found eligible for further processing.
6. The applicant submits that the COC in the 5th COC meeting dated 24.06.2019 approved the extension of time limit for completion of CIRP by ninety days. Further, in the 6th meeting dated 05.08.2019, agreed to extend the time for all the PRA's to deposit EMD amount till 09.08.2019. In the 7th COC meeting dated 20.08.2019, the members declared that the Resolution Plans received were found unsatisfactory. The fresh form-G was published on 23.08.2019.
7. The applicant submits that in the 16th COC meeting, held on 18.03.2020, the COC resolved that none of the Resolution Plan received were found to be viable or financially feasible by the COC as such were not accepted. Accordingly, the members of COC representing 100% voting share, resolved to approve the initiation of liquidation of the corporate debtor in terms of Section 33 of the IBC.

The COC resolved as under:

“RESOLVED THAT pursuant to Section 33(2) and other applicable provisions, if any of the insolvency and Bankruptcy Code, 2016 and other applicable provisions, if any of the insolvency and bankruptcy code, 2016 and in accordance with rules and regulations made there under approval of Committee of Creditors of Stride Autoparts Ltd. for the initiation of the liquidation Process of the corporate Debtor, be and is hereby accorded.

RESOLVED FURTHER THAT Committee of Creditors be and is hereby authorizing the Resolution Professional to file the application before the Hon'ble National Company Law Tribunal, New Delhi under Section 33 of IBC, 2016 and Regulation made there under."

8. Considering the documents and submission, the present application seeking liquidation of the corporate debtor, Stride Autoparts Limited, in the manner laid down under Section 33 of the Insolvency and Bankruptcy Code, 2016 is allowed.

9. Mr. Pankaj Khetan having registration no. IBBI/IPA-002/IP-N.00010/2016-17/10014, having email address ppankajkhaitan@gmail.com and phone no. 99999883792 is appointed as Liquidator in terms of Section 34(1) of the Code with following directions, whose consent in Form AA is annexed
 - a) The liquidator to issue Public Announcement stating that the corporate debtor is in liquidation in terms of Regulation 12 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016;
 - b) The liquidator to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016 and in accordance with the relevant rules and regulations.
 - c) The liquidator to follow up and continue to investigate the financial affairs of the Corporate Debtor to determine any undervalued and preferential transactions etc.
 - d) This order is deemed to be a notice of discharge to the officers, employees and the workmen of the corporate debtor as per Section 33(7) of the Insolvency and Bankruptcy Code, 2016.
 - e) The Liquidator to submit a Preliminary Report to the Adjudicating Authority within seventy-five days from the liquidation

commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016.

10. Sequel to above, The Moratorium as envisaged under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and a fresh Moratorium under Section 33(5) of the Insolvency and Bankruptcy Code shall commence.
11. A copy of the order shall be communicated to the applicant and the Corporate Debtor as well as to the liquidator above named and intimate of the said appointment by the Registry. In addition, a copy of said order shall also be forwarded to IBBI for its records and to ROC for updating the Master Data. ROC shall send compliance report to the Registrar, NCLT.

Sd/-

(SUMITAPURKAYASTHA)
MEMBER (TECHNICAL)

Sd/-

(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)