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**NATIONAL COMPANY LAW TRIBUNAL**

**NEW DELHI BENCH**

(IB)-452(ND)2017

**CORAM:**

**PRESENT: MR. L.N. GUPTA**  
**HON'BLE MEMBER (T)**

**CH. MOHD. SHARIEF TARIQ**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 14.11.2019.**

**NAME OF THE COMPANY: Power2sme Pvt. Ltd. Vs. JV Strips Ltd. & Ors.**

**SECTION OF THE COMPANIES ACT: 9 of IBC, 2016**

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
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	<b>For the Petitioner</b>	<b>:</b>	<b>Ms. Nazia Parveen, Syed Sarfaraz Karim, Mr. Sheshwat Anand, Advocates</b>	
	<b>For the Respondent</b>	<b>:</b>	<b>Mr. Rajat Srivastava, Mr. Amit Dhall, Advocates</b>	

**ORDER**

Counsel for the Liquidator present. Counsel for the highest bidder, who has offered a bid amount of Rs. 2.02 Cr. in the second auction conducted by the liquidator is present.

It has been submitted by the counsel for the Liquidator that first e-auction was conducted on 20.06.2019, wherein the successful bidder backed out and his security deposit was forfeited. Before the conduct of second auction on 14.10.2019, a private person came forward and offered a value of Rs. 3.40 Cr., with respect to which CA No. 1262/2019 was filed seeking permission for conducting a private sale of the assets of the Corporate Debtor. However, the NCLT vide its order dated 09.10.2019 directed the Liquidator to conduct sale through public auction which was conducted on 14<sup>th</sup> October, 2019 and the highest offer received was of Rs. 2.02 crore. As seen, there is a huge difference between the bid prices which has been quoted by M/s. Crown Steels and that which is offered by the private person (Shiv Shakti Enterprises, Proprietor).

Keeping in view the interest of the Creditors and the objective of IBC the liquidator has to make every effort to maximise the value of the assets of

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Corporate Debtor, which will serve the interest of the Creditors whose stakes are involved.

Counsel for the highest bidders viz., M/s. Crown Steel has submitted that as per the second e-auction his client is the highest bidder. Therefore, the liquidator is under legal obligation to transfer property in compliance with the terms and conditions of the e-auction.

However, this Bench feels that the interest of the Creditors will prevail over the interest of the highest bidder. In the circumstances, the liquidator is directed to conduct a fresh e-auction giving an opportunity to all including the applicant private bidder i.e., Shiv Shakti Enterprises and the highest bidder in the second e-auction along with other interested parties so as to maximise the value of the assets so as to fulfil the objectives of IBC. This process shall be completed within a period of two weeks and the Liquidator shall file status report within three days from the date of the third auction.

Put up on 29<sup>th</sup> November, 2019. Copy of this Order is directed to be issued Dasti.



**(L.N. Gupta)**  
**Member (T)**



**(Ch. Mohd. Sharief Tariq)**  
**Member (J)**