

**IN THE NATIONAL COMPANY LAW TRIBUNAL
"CHANDIGARH BENCH, CHANDIGARH"
(Exercising the powers of Adjudicating Authority
under the Insolvency and Bankruptcy Code, 2016)**

CP (IB) No. 131/Chd/HP/2018

**Under Section 10 of the
Insolvency and Bankruptcy
Code, 2016**

IN THE MATTER OF:

Maxim Infra Venue Private Limited,
Una Nangal Road, Rakkar, Tehsil and District Una, Himchal Pradesh-174303

....Corporate Applicant

Order delivered on: 20.09.2018

**Coram: HON'BLE MR. JUSTICE R.P.NAGRATH, MEMBER (JUDICIAL)
HON'BLE MR. PRADEEP R.SETHI, MEMBER (TECHNICAL)**

For Petitioner/Corporate Applicant:- 1 Mr. Ashok Malik, Advocate
2 Mr. Nitin Kant Setia, Advocate

For State Bank of India Financial Creditor :- 1 Mr. Rakesh Gupta, Advocate
2 Mr. Puneet Jain, Advocate

For Vinayak Construction :- Mr. Deepankur Sharma, Advocate

Per: R.P. Nagrath, Member(Judicial)

ORDER (Oral)

The petition filed by M/s Maxim Infra Venues i.e. Corporate Debtor for initiating Corporate Insolvency Resolution Process under Section 10 of Insolvency & Bankruptcy Code, 2016 (for short to be referred hereinafter as the 'Code') was admitted on 13.09.2018 and moratorium in terms of Section 14(1) of the Code was declared. The case has been fixed for today for passing the formal order of appointment of Mr. Arvind Kumar,

Insolvency Professional, who has furnished the written communication in Form 2 which was found in order, as observed in the order dated 13.08.2018.

2. In view of the above, the following directions are issued:-

- (i) Appoint Mr. Arvind Kumar, address; H.No.94, Gillco Valley, Sector 127, Mohali (Kharar) 140301 Punjab, having Registration No. IBBI/IPA-001/IP-P00178/2017/10357 and email address is sankhyain@gmail.com, as an Interim Resolution Profession
- (ii) The term of appointment of Mr. Arvind Kumar, shall be in accordance with the provisions of Section 16(5) of the Code.
- (iii) In terms of Section 17 of 'the Code', from the date of this appointment, the powers of the Board of Directors shall stand suspended and the management of the affairs shall vest with the Interim Resolution Professional and the officers and the managers of the 'Corporate Debtor' shall report to the Interim Resolution Professional, who shall be enjoined to exercise all the powers as are vested with Interim Resolution Professional and strictly perform all the duties as are enjoined on the Interim Resolution Professional under Section 18 and other relevant provisions of the 'Code', including taking control and

custody of the assets over which the 'Corporate Debtor' has ownership rights recorded in the balance sheet of the 'Corporate Debtor' etc. as provided in Section 18 (1) (f) of the 'Code'. The Interim Resolution Professional is directed to prepare a complete list of inventory of assets of the 'Corporate Debtor';

- (iv) The Interim Resolution Professional shall strictly act in accordance with the 'Code', all the rules framed thereunder by the Board or the Central Government and in accordance with the 'Code of Conduct' governing his profession and as an Insolvency Professional with high standards of ethics and moral;
- (v) The Interim Resolution Professional shall cause a public announcement within three days as contemplated under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 of the initiation of the Corporate Insolvency Resolution Process in terms of Section 13 (1) (b) of the 'Code' read with Section 15 calling for the submission of claims against 'Corporate Debtor';
- (vi) It is hereby directed that the 'Corporate Debtor', its Directors, personnel and the persons associated with the management shall extend all cooperation to the Interim

Resolution Professional in managing the affairs of the 'Corporate Debtor' as a going concern and extend all cooperation in accessing books and records as well as assets of the 'Corporate Debtor';

(vii) The Interim Resolution Professional shall after collation of all the claims received against the corporate debtor and the determination of the financial position of the corporate debtor constitute a committee of creditors and shall file a report, certifying constitution of the committee to this Tribunal on or before the expiry of thirty days from the date of his appointment, and shall convene first meeting of the committee within seven days of filing the report of constitution of the committee; and

(viii) The Interim Resolution Professional is directed to send regular progress report to this Tribunal every fortnight.

3. In view of the amendment made in Clause 12 of Section 5 of the Code, defining the 'insolvency commencement date', we hereby clarify that the order of moratorium, as directed, in the order dated 13.09.2018, shall take effect from today i.e. the date of appointment of Interim Resolution Professional. Sub-section (12) of Section 5 of the Code says that "*insolvency commencement date*" means the date of admission of an application for initiating corporate insolvency resolution process by the Adjudicating Authority under Sections 7, 9 or Section 10, as the case may be. A proviso has been added by way of Insolvency and Bankruptcy Code (Second

Amendment) Act, 2018, published on 17.08.2018 to take effect from 06.06.2018, which says that *"provided that where the interim resolution professional is not appointed in the order admitting application under Section 7, 9 or Section 10, the insolvency commencement date shall be the date on which such interim resolution professional is appointed by the Adjudicating Authority"*.

A copy of this order be communicated to both the parties. The learned counsel for the petitioner shall deliver copy of this order and order dated 13.09.2018 to the Interim Resolution Professional forthwith. The Registry is also directed to send copies of both these orders to the Interim Resolution Professional at his email address forthwith.

Sd-
(Pradeep R. Sethi)
Member (Technical)

Sd-
(Justice R.P. Nagrath)
Member (Judicial)

September, 20, 2018
Mohit Kumar