

NATIONAL COMPANY LAW TRIBUNAL  
SINGLE BENCH  
CHENNAI



16

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 13/03/2018 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :  
PETITION NUMBER : CP/660/ (IB)/2017  
NAME OF THE PETITIONER(S) : AUTOCOP (INDIA) PVT LTD  
NAME OF THE RESPONDENT(S) : NIFE FIRE SYSTEMS PVT LTD  
UNDER SECTION : 9 RULE 6 OF INSOLVENCY & BANKRUPTACY CODE 2016

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
-------	-------------------	-------------	-----------

16. MONISH K VIG  
A-DHAMODHARAN

Advocate been  
operational  
creditor

**IN THE NATIONAL COMPANY LAW TRIBUNAL,  
SIGNLE BENCH, CHENNAI**

CP/660/ (IB)/CB/2017

Under Section 9 of the Insolvency and Bankruptcy Code 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016

In the matter of

**M/s. Autocop India Private Limited**

*... Operational Creditor*

Vs.

**M/s. Nife Fire Systems Private Limited**

*... Corporate Debtor*

*Order delivered on 13<sup>th</sup> of March, 2018*


CORAM :

**CH. MOHD SHARIEF TARIQ, MEMBER (JUDICIAL)**

*For Operational Creditor(s): Mr. Monish K. Vig and Mr. A. Dhamodharan, Counsels  
For Corporate Debtor (s) : Remained ex parte*

**ORDER**

Per: CH MOHD SHARIEF TARIQ, MEMBER (J)

1. Under Adjudication is CP/660/(IB)/CB/2017 that has been filed by the Operational Creditor under Section 9 of the Insolvency & Bankruptcy Code 2016 (in short, 'I&B Code, 2016') r/w the Insolvency & 

Bankruptcy (Application to Adjudicating Authority Rules, 2016). The prayer made is to admit the Application, to initiate the Corporate Insolvency Resolution Process against the Corporate Debtor, declare moratorium and appoint Interim Resolution Professional (IRP) under the Insolvency and Bankruptcy Code, 2016 (I&B Code).

2. Heard the Counsel for the Operational Creditor and perused the record. As seen from the order dated 10.01.2018, the Counsel for the Corporate Debtor appeared and submitted that the Corporate Debtor is ready to settle the outstanding debt for which he sought time, accordingly, time was enlarged and the case was posted to 22.01.2018. On 22.01.2018, again at the request of Counsel for the Corporate Debtor time was enlarged for payment of outstanding debt. Thereafter, the Counsel for the Corporate Debtor chose to remain absent and there was no representation on behalf of the Corporate Debtor. The Corporate Debtor was proceeded *ex parte* on 22.02.2018.

3. The Operational Creditor has claimed Rs.1,35,110/- as principal amount with interest @ 24% p.a. which comes to Rs.1,75,177/- as on 20.07.2017.

The brief facts of the case are that the Corporate Debtor approached the Operational Creditor and negotiated to supply the Facility Security Products. Pursuant to the negotiations, the Corporate Debtor placed purchase order for supply of Facility Security Products and accordingly, the Operational Creditor supplied the same to the Corporate Debtor. Pursuant to which, Invoice was raised by the Operational Creditor, copy of which is placed at page 21 of the typed set filed with the Application.

4. A cheque was issued by the Corporate Debtor for an amount of Rs.1,35,110/- in favour of the operational creditor that was returned unrealised for want of 'insufficient funds'. The bank certificate is evidencing the non-payment of the outstanding debt. The Certificate fulfils the requirement of Section 9 (3) (c) of I&B Code, 2016.

The certificate issued by ICICI Bank is placed at page 12 of the typed set filed with the Application

5. The Operational Creditor has complied with Section 9 (3) (b) of the I&B Code, 2016, by filing Affidavit, which is placed at pages 32 to 34 of the typed set filed with the Application, wherein, under para 3, it has been deposed that the Corporate Debtor has not raised any dispute in relation to the unpaid operational debt.

6. The Operational Creditor has sent a Demand Notice dated 19.09.2017 to the Corporate Debtor under Section 8 of the I&B Code, 2016 demanding the outstanding debt. The copy of the notice is placed at pages 13 to 20 of the typed set filed with the Application to which no reply has been given by the Corporate Debtor.

7. The Operational Creditor has fulfilled all the requirements of law for admission of the Application.

This Bench is satisfied that the Corporate Debtor has

committed default in making payment of the outstanding debt as claimed by the Operational Creditor. Therefore, CP/660/(IB)/CB/2017 is admitted and the commencement of the Corporate Insolvency Resolution Process is ordered which ordinarily shall get completed within 180 days, reckoning from the day this order is passed.

8. The moratorium is declared which shall have effect from the date of this Order till the completion of Corporate Insolvency Resolution Process, for the purposes referred to in Section 14 of the I&B Code, 2016. It is ordered to prohibit all of the following, namely :-

(a) The institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;

(b) Transferring, encumbering, alienating or disposing of by the corporate debtor any of its

assets or any legal right or beneficial interest therein;

(c) Any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);

(d) The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.

9. The supply of essential goods or services of the Corporate Debtor shall not be terminated or suspended or interrupted during moratorium period. The provisions of Sub-section (1) of Section 14 shall not apply to such transactions, as notified by the Central Government.

10. Mr. S. Rajagopal is hereby appointed as IRP as has been proposed by the Operational Creditor, which is subject to the recommendation of IBBI as his name is not mentioned in the revised panel of Insolvency

Professionals provided by IBBI, and accordingly, the Registry is directed to make a reference to the IBBI for recommendation of the name of IRP mentioned above. There is no disciplinary proceedings pending against the IRP as evidenced from Form-2 and his name is reflected in IBBI website. The IRP is directed to take charge of the Respondent Corporate Debtor's management immediately. He is also directed to cause public announcement as prescribed under Section 15 of the I&B Code, 2016 within three days from the date the copy of this order is received, and call for submissions of claim in the manner as prescribed.

11. The IRP shall comply with the provisions of Sections 13 (2), 15, 17 & 18 of the I&B Code. The directors of the Corporate Debtor, its promoters or any person associated with the Management of the Corporate Debtor are/is directed to extend all assistance and cooperation to the IRP as stipulated under Section 19, so that he could discharge his functions under Section 20 of the I&B Code, 2016.

12. The Operational Creditor and the Registry are directed to send the copy of this Order to IRP, so that he could take charge of the Corporate Debtor's assets etc., and make compliance with this Order as per the provisions of I&B Code, 2016.

13. The Registry is directed to communicate this Order to the Operational Creditor and the Corporate Debtor.

The address details of the IRP are as follows: -

Mr. S. Rajagopal,  
Regn.No: IBBI/IPA-002/IP-N00082/2017-18/10223  
11/108, 4<sup>th</sup> Street,  
Karpagam Avenue,  
R. A. Puram, Chennai – 600 028.

14. Order is dictated and pronounced in open court in the presence of the Counsel for Operational Creditor.

  
[CH.MOHD SHARIEF TARIQ]  
MEMBER (Judicial)

P.ATHISTAMANI