

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

(IB)-702/ND/2018

COARM:

**PRESENT: DR. V.K. SUBBURAJ**  
**HON'BLE MEMBER(T)**

**MS. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 14.06.2019**

**NAME OF THE COMPANY: Super Print Services V/s. M/s. Xalta Food and Beverages Pvt.Ltd.**

**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>Present for the Petitioner:</b>	<b>Mr. Kshitij Sharda, Mr. Shivam Narang and Mr. Harsh Sinha, Advocates</b>		
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	<b>Present for the Respondent:</b>	<b>Mr. Pawan Kumar, Advocate for RP Mr. Naveen Kumar Jain, RP Ms. Deepika Rahav, Advocate</b>		
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**ORDER**

Two members of the COC are present in court today pursuant to the notice issued to Reliance Capital Ltd. and Tamilnad Mercantile Bank. Both these Financial Creditors undertake to pay the proportionate CIR cost which have been incurred during the period of resolution. On receipt of money, the RP shall ensure proportionate amount is disbursed at rental to the lessor.

The two other financial claimants have neither appeared before this Bench nor given any undertaking to contribute towards the cost of the CIR process. It is observed that throughout the resolution process, they have participated as the members of the COC. Their inaction in contribution towards the cost



is highly deprecated and disentitles their claims to be considered. An application has been filed under Section 33 of the Code given the fact that no resolution is possible and also 270 days are also over.

CA 731/2019 has been filed praying for directions to proceed towards liquidation.

Given the facts and circumstances, this application is allowed.

The assets of the Corporate Debtor be put for liquidation as no resolution plan has been received and 270 days are also over.

Ld. RP has proposed his own name as the liquidator in this case as no decision has been taken by the COC in this respect. The same shall be taken up for consideration on the next date of hearing.

To come up on 4<sup>th</sup> July, 2019.



**(V.K. Subburaj)**  
**Member (T)**



**(Ina Malhotra)**  
**Member (J)**