

NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH  
COURT HALL NO:II

SPECIAL BENCH(Video Conference)

CORAM: HON'BLE MADAN BHALCHANDRA GOSAVI – MEMBER JUDICIAL  
HON'BLE DR.BINOD KUMAR SINHA-MEMBER TECHNICAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,  
HYDERABAD BENCH, HELD ON 15.07.2021 AT 12:30 PM THROUGH VIDEO CONFERENCE

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	CP(IB) No.286/9/HDB/2019
NAME OF THE COMPANY	Buildmate Projects Pvt Ltd
NAME OF THE PETITIONER(S)	Mahalakshmi Alloys and Metals Pvt Ltd
NAME OF THE RESPONDENT(S)	Buildmate Projects Pvt Ltd
UNDER SECTION	9 of IBC

Counsel for Petitioner(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

Counsel for Respondent(s):

Name of the Counsel(s)	Designation	E-mail & Telephone No.	Signature

**ORDER**

**CP(IB) 286/9/HDB/2019** is listed for orders. CP admitted. Orders pronounced vide separate Order.

  
MEMBER (T)

  
MEMBER(J)

Syamala

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH, HYDERABAD**

CP (IB) No.286/9/HDB/2019  
Under section 9 of the IB Code, 2016  
Under rule 6 of the Insolvency and Bankruptcy  
(Application Adjudicating Authority) Rules, 2016.

In the matter of  
**M /s BUILDMATE PROJECTS PRIVATE LIMITED**

Between:

M/s. Mahalakshmi Alloys and Metals –  
Private Limited,  
Sy.No.825, Chegur Village,  
Kothur Mandal,  
Mahabubnagar,  
Mahabubnagar TG 509325 India.

...Petitioner/  
Operational Creditor

And

M/s. Buildmate Projects Private Limited,  
Regd. Office: Survey No.60, 61 & 62,  
Gundlapochampally Village,  
Medchal Mandal, Hyderabad,  
Rangareddy, T.S – 500014, INDIA.

...Respondent/  
Corporate Debtor

**Date of Order: 15.07.2021**

**Coram: Shri Madan B. Gosavi, Member Judicial.**

**Dr. Binod Kumar Sinha, Member Technical.**

**Parties/Counsels present:**

For the Operational Creditor: Mr. Ritesh Mittal, Counsel

**Per: Bench**

**ORDER**

1. Under consideration is a Company Application filed by M/s. Mahalakshmi Alloys and Metals Private Limited (in short "Petitioner/Operational Creditor") under section 9 of the Insolvency and Bankruptcy Code, 2016 (in short IB Code, 2016) read with rule 6 of the







Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016, for seeking the following reliefs:

1. To direct BUILDMATE PROJECTS PVT.LTD to pay all the Operational dues of Rs.9,34,767.00/- (Nine Lakh Thirty Four Thousand Seven Hundred and Sixty Seven Rupees Only) @18% interest per annum from the due date of default till date of payment.
  2. To direct the Corporate Debtor to pay all operational dues as mentioned above in point No.1 and also mentioned in details form Part I to Part V of the said petition.
  3. To initiate Corporate Insolvency Resolution Process (CIRP) in respect of BUILDMATE PROJECTS PVT. LTD under the Insolvency and Bankruptcy Code, 2016.
  4. Further, To Declare BUILDMATE PROJECTS PVT. LTD. as insolvent Company under the Insolvency and Bankruptcy code, 2016.
  5. To grant early hearing in the matter.
2. Brief facts of the case as submitted by the Operational Creditor are as follows:
- a) The MAHALAKSHMI ALLOYS ANDMETALS PRIVATE LIMITED (Operational Creditor) is a supplier of various types of steels and the BUILDMATE PROJECTS PRIVATE LIMITED (Corporate Debtor) purchases steel and supply the same for construction purposes.
  - b) That the Operational Creditor has supplied Alloy Casting – (Cone Mantil and Jaw Plate & Centre Part 1600 X 902) to the Corporate Debtor.
  - c) That the Corporate Debtor failed to pay the amount for the Invoices as on the Due date. Thereby the total amount due from Corporate Debtor comes to Rs.9,34,767.00 plus interest @18% per annum from the due date of default till date of payment.





- d) That when the Operational Creditor failed to receive any amount for the outstanding due from Corporate Debtor, on 16.03.2019 the Operational Creditor served a demand notice as per rule 5 under The Insolvency and bankruptcy Code, 2016 to the Corporate Debtor at the registered office of the corporate debtor which was delivered on 20.03.2019.
  - e) That the Respondent didn't send a reply till date and even didn't make any payment.
  - f) That the Operational Creditor confirms that there is no dispute of whatsoever nature pending between the client with respect to the operational debt amount.
  - g) Hence, the Operational Creditor has decided to approach this Adjudicating Authority to initiate CIRP against the Corporate Debtor.
  - h) Reiterating the above, learned counsel for the Operational Creditor prayed to admit the instant Application.
3. It is seen from the record that during the initial phase of the instant proceedings, the Respondents were represented by their counsels Shri Samuel Nagdeshi / Shri Mohan Rao on several dates upto 13.02.2020. During these appearances, the Learned Counsel submitted that the parties are making efforts to settle the matter, and sought time for filing joint memo of settlement. No reply affidavit, however, was filed. It is seen from record that after 13.02.2020, the matter was posted on various dates i.e, 05.03.2020, 29.10.2020, 04.12.2020, 11.12.2020, 08.01.2021, 19.02.2021, 01.04.2021 and 07.07.2021, but there has been no representation on behalf of the Respondents, despite the fact that fresh notices were served on 13.11.2020 and 09.02.2021. Since the Respondents have neither filed Counter nor availed these opportunities of being heard, in the matter provided in accordance with principles of natural justice, we have no other option but to dispose of the instant application without their assistance.
4. Heard Learned counsel of the Applicants and perused the record.





5. This Adjudicating Authority is satisfied that the Operational Creditor has proved its case by placing evidence that default has occurred for which the Corporate Debtor was liable to pay. It is further seen that no reply to the demand notice served U/s 8 of the Code was ever made by the Respondent to indicate either existence of dispute or proof of payment of the impugned debt. In fact, during the initial phase of the instant proceedings upto 13.02.2020, the Respondents sought time for settling the matter and for filing Joint Memo of Settlement, but there was no representation thereafter. Further, the Operational Creditor has fulfilled all the stipulations as required under the provisions of the IB Code, 2016 for the purpose of initiating Corporate Insolvency Resolution Process. In these circumstances, having satisfied with the submissions made by the Petitioner/Operational Creditor, this Adjudicating Authority is inclined to admit the instant Application.
6. Accordingly, the instant application is hereby admitted and this Adjudicating Authority orders the commencement of the Corporate Insolvency Resolution Process (CIRP) which shall ordinarily be completed within the timelines stipulated in the IB Code, 2016 (as amended), reckoning from the day of this order.
7. Accordingly, this Adjudicating Authority hereby appoints Mr. A. Gopala Krishna, having his Regn. No. IBBI/IPA-001/IP-P02252/2021-2022/13555 as IRP. He is directed to file his written consent in Form-2 and Authorization for Assignment within three (3) days of this order.
8. 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 IB 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.







9. We direct the Operational Creditor/Petitioner to pay sum of Rs.50,000/- towards the advance fee of IRP, which shall be ratified later on by CoC.

10. The moratorium is hereby declared which shall have effect from the date of this order till the completion of CIRP in terms of Section 14 of the IB Code, 2016. It is hereby 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 or 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 rights 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 Securitization 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.*
- e. *Notwithstanding anything contained in any other law for the time being in force, a license, permit, registration, quota, concession, clearances or a similar grant or right given by the Central Government, State Government, local authority, sectoral regulator or any other authority constituted under any other law for the time being in force, shall not be suspended or terminated on the grounds of insolvency, subject to the condition that there is no default in payment of current dues arising for the use or continuation of the license, permit, registration, quota, concessions, clearances or a similar grant or right during the moratorium period.*

11. The supply of essential goods or services of the Corporate Debtor shall not be terminated or suspended or interrupted during moratorium period. Further, if the IRP considers supply of any goods or services critical to protect and preserve the value of the corporate debtor and manage the operations of such corporate debtor as a going concern, then the supply of such goods or services shall not be terminated, suspended or interrupted during the period of moratorium, except where such corporate debtor has not paid dues arising from such supply during the moratorium period. Furthermore, the provisions of Sub-section (1) of Section 14 shall not apply to such transactions, agreements or other

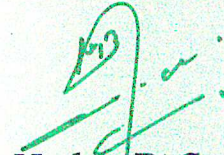
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arrangement as may be notified by the Central Government in consultation with any financial sector regulator or any other authority.

- 12.** The IRP shall comply with the provisions of Sections 13(2), 15, 17 & 18 of the Code. The Directors, Promoters or any other person associated with the management of Corporate Debtor are directed to extend all assistance and co-operation to the IRP as stipulated under Section 19 and for discharging his functions under Section 20 of the I&B Code, 2016.
- 13.** The Petitioner/Operational Creditor as well as the Registry is 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.
- 14.** The Registry is directed to communicate this Order to the Operational Creditor and the Corporate Debtor.
- 15.** The Registry shall also communicate this Order to the ROC, Hyderabad for updating the status of the Corporate Debtor in the MCA website.
- 16.** The address details of the IRP are as follows:-
- Mr. A. Gopala Krishna,  
Regn. No. IBBI/IPA-001/IP-P02252/2021-2022/13555  
F.No.514, Classic Arcade,  
Czech Colony, Sanath Nagar,  
HDFC Bank Building,  
Hyderabad, Telangana - 500018
- Email ID:a\_gopalakrishna@yahoo.com
- 17.** Accordingly, CP (IB) No.286/9/HDB/2019 is hereby admitted.

  
**Dr. Binod Kumar Sinha**  
Member Technical

  
**Madan B. Gosavi**  
Member Judicial