

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

CP (IB) 102/10/HDB/2017

U/s 10 R/w 7 of the Insolvency and Bankruptcy
(Application to Adjudicating Authority) Rules, 201

In the matter of

Admiron Life Sciences Private Limited

1-155/1/A, Chandanagar

Hyderabad – 500 050

Telangana

.. Corporate Applicant /
Corporate Debtor

State Bank of India

Industrial Finance (Punjagutta Branch)

Topez Building, Amritha Hills

Punjagutta

Hyderabad – 500 082

Respondents

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OF THE ORIGINAL**

Date of order: 28.07.2017

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Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)

Counsels / Parties present

For the Corporate Applicant:

Shri Y. Suryanarayana,
Advocate

For Respondent:

Shri B.S. Prasad along
with Shri A.B. Gangareddy
and Shri B. Aravind Reddy,
Advocates

Per: Rajeswara Rao Vittanala, Member (J)



ORDER

1. The present Company Petition bearing No. CP (IB) No. 102/10/HDB/2017, is filed by Admiron Life Sciences Private Limited, Corporate Applicant by seeking to initiate a Corporate Insolvency Resolution Process (CIRP) in terms of Section 10 of Insolvency and Bankruptcy Code, read with Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 and Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.
2. Heard Shri Y. Suryanarayana, Learned counsel for the Corporate Applicant, and Shri B.S. Prasad along with Shri A.B. Gangareddy and Shri B. Aravind Reddy, Advocates for the Respondents, and have carefully perused all pleadings along with material papers and extant provisions of law.
3. Brief facts as mentioned in the petition are as follows:
 - (a) Admiron Life Sciences Private Limited, the Corporate Applicant herein, was incorporated on 06.12.2010 in the erstwhile state of Andhra Pradesh and it is situated in present state of Telangana. Its Registered office is situated at # 1-155/1/A, Chanda Nagar, Telangana, Hyderabad – 500 050.
 - (b) The Authorized share capital of the Corporate Applicant is 45,00,00,000 (Rupees Forty Five Crores only) divided into 45000000 (Four Crore Fifty Lakh) of Rs. 10/- (Ten only). The issued, subscribed paid up capital is 42,39,19,890 (Rupees Forty Two Crore Thirty Nine Lakhs Nineteen Thousand Eight Hundred and Ninety only) divided into 4,23,91,989 (Four Crore Twenty Three Lakh



Ninety One Thousand Nine Hundred and Eighty Nine) of Rs. 10/- (Ten only).

- (c) The Corporate Applicant obtained various credit facilities on 6th July, in terms of Term Loan to the tune of 39 Crores from State Bank of Hyderabad (Presently State Bank of India), Industrial Financial Branch, Punjagutta (referred to as State Bank of India hereinafter) by mortgaging the h the Corporate Applicant's Property. The following are agreements entered into between the Corporate Applicant and the State Bank of Hyderabad (SBH).

- A Loan Agreement was entered on 07th July, 2012
- Agreement of Hypothecation of Goods and Assets dated 07.07.2012.
- Sanction Letter from State Bank of Hyderabad (presently State Bank of India) dated 01.06.2012.

- d) The Corporate Applicant has extended the existing loan, and obtained various credit facilities, in terms of cash credit to the tune of 20 Crores on 24th December, 2013. The Loan was secured by Hypothecation / Pledge of the Corporate Applicants assets, etc. The following documentation was completed on this behalf. Personal Guarantees were given by Directors of the Corporate Applicant.

- Loan Agreement dated 24.12.2013.
- Agreement of Hypothecation of Goods and Assets dated 24.12.2013.
- Memorandum of Deposit of Title Deed dated 24.12.2013.
- Deed of Guarantee dated 24.12.201
- Sanction Letter from State Bank of India) dated 23.12.2013.



- e) The unsecured / trade Creditors of the Corporate Applicant as on 16.06.2017 is amounting to Rs. 4,39,06,152. When Admiron Life Sciences failed to pay interest and instalments as per agreement, the SBH (SBI) has issued a letter bearing No. IFBH/ALSPL/454 dated 15.06.2016, asking the Company to regularize the accounts immediately. The position of the accounts of the Company are stated as under:-

Facility	Limit	Drawing Power	Outstanding	Irregular by
CC	14,00,00,000/-	14,00,00,000/-	14,14,40,255.48	14,40,256.48
TL	33,62,00,000/-	32,42,00,000/-	34,36,43,533.00	1,94,43,533.00
WCTL	2,24,00,000/-	2,10,00,000/-	2,28,75,171.00	18,75,171.00
FITL	9,39,00,000/-	8,80,00,000/-	9,42,34,009.30	62,34,009.30
				2,89,92,968.78



- f) Again another letter bearing No. IFBH/ALSPL dated 12.07.2016 advising once again to regularize the accounts immediately by giving the position of all the loan accounts totaling amount 3,03,36,838.75. When the applicant failed to regularize the accounts, the SBI issued a pre-SARFAESI notice bearing No. IFBH/ALSPL/870 dated 01.09.2016, by giving 7 days' time to regularize the accounts, failing which the Bank warned the Applicant it is constrained to recall the entire outstanding dues of Rs. 61,72,35,203.10 and interest thereon by invoking provisions of Securitization And Reconstructions of Financial Assets and Enforcement of Security Interest Act (SARFAESI) for realizing the securities besides other action as warranted under law.
- g) When the Applicant failed to respond to any notices, the SBH (SBI) has issued a notice under section 13(2) of SARFAESI Act by calling upon the Applicant to discharge in full all the liabilities pending with the Bank within 60

days of receipt of the notice. The outstanding amount as on 29.03.2017 is Rs.66,79,80,523.00 with further interest. The details of loan facilities availed by the Company are as follows.

Sl.No.1	Nature of facility	Limit	Outstanding in Rs. (inclusive of interest up to 29.03.2017)
1.	Cash credit	14,00,00,000.00	16,01,76,254.00
2.	Term Loan	33,62,00,000.00	37,86,86,916.00
3.	Funded Interest Term Loan (FITL)	9,39,00,000.00	10,39,01,659.00
4.	Working Capital Term Loan (WCTL)	2,24,00,000.00	2,52,15,694.00

- h) While the case under SARFAESI Act was pending, the present company petition is filed under Section 10 of the IBC to initiate Corporate Insolvency Resolution Process.



4. The case was listed immediately for admission on 18.07.2017, and the Tribunal ordered notice to the Respondents and posted the case to 24.07.2017 for further hearing on admission. On 24.07.2017, Shri A.V. Ganga Reddy learned Counsel for the Respondent (SBI) appeared and requested to post the case again on 26.07.2017 and again to 28.07.2017.

5. Shri B.S. Prasad, the Learned Counsel for the SBI has filed a letter bearing No. SAMB.II/HYD/BHR dated 27.07.2017 addressed to him by the Banker's and expressed no objection to pass necessary orders on the present Petition.

6. The Petitioner has proposed Sri Venkateswarlu Bharathula G2 GSK Towers, Shanthi Nagar, Bhag Ameer, Kukatpally, Hyderabad-50072, bharathulavenki@gmail.com IBBI/IPA-002/IP-N00111 /2017-18/10281, as Interim Resolution professional, and the IRP has filed a written communication

dated 12.06.2017 in Form No.2 as prescribed by declaring that he is a insolvency professional registered with ICSI Insolvency Professional Agency having registration number and he also declared that he is not serving any IRP / RP /Liquidator in any CIRP and there are no disciplinary proceedings pending against him and thus, he is eligible to be appointed as IRP.

7. I have perused the various documents filed by the Applicant including the bank statements with regard to the various loan facilities extended by the SBI as mentioned supra. It is not in dispute that various loans are availed by the Corporate Applicant, and they are in default as the Bank itself has already initiated action under SARFAESI Act as mentioned above. So there is an admitted debt and default. The Resolution Professional proposed is also eligible to be appointed as IRP. The SBI (Financial Creditor) has also given no objection, as per the letter mentioned above, to initiate Corporate Insolvency Resolution Process in the instant case. So the Application is complete in all respects so as to admit the case.



8. In view of the above facts and circumstances of the case, I am of the considered view that the corporate debtor has committed a default in terms of IBC, 2016, and the petition filed is complete in all respects. Thus, I admit the Company Petition bearing C P (IB) No.102/10/HDB/2017 by invoking the powers conferred on the Adjudicating Authority under section 10 (4) of IBC, 2016 and post the case for consideration to appoint IRP and imposition of Moratorium under Section 13 & 14 of IBC on 9.8.2017.

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OF THE ORIGINAL

V. Annapoorna
V. ANNAPOORNA
Asst. DIRECTOR
NCLT, HYDERABAD.

RAJESWARA RAO VITTANALA

MEMBER (J)
order received by the Registry
on 10/8/17
CERTIFIED TRUE COPY
केस संख्या
CASE NUMBER C.P.(IB)102/10/HDB/2017
दिनांक 10/8/2017