

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI
C. P. NO. 1055/I & BP/NCLT/MAH/2017**

**Coram: B.S.V. Prakash Kumar, Member (Judicial) &
V. Nallasenapathy, Member (Technical)**

In the matter of under Section 10 of Insolvency and Bankruptcy Code, 2016 and Rule 7 of the Insolvency and Bankruptcy (Application to Adjudicating Authority), Rules 2016)

And

Roofit Industries Ltd.

Corporate Applicant.

Applicants' Counsel: Mr. Rishabh Shah, Advocate for the Applicant
i/b. M/s. Raval-Shah & Co.

ORDER

(Heard 27.06.2017)

(Pronounced on 28.06.2017)

Per V. Nallasenapathy, Member (Technical)

This Company Petition is filed by Roofit Industries Ltd., u/s 10 of Insolvency and Bankruptcy Code 2016 ("the Code") r/w Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016 for initiation of Corporate Insolvency Resolution Process. Previously this Debtor Company was before BIFR bearing reference Nos.473/2010 and 16/2010. Thereafter, the Company was also before AAIFR bearing appeal Nos.125/2010 and 10/2011. This Petition was filed by the Company on 21.5.2017.

2. The Corporate Debtor says that its registered office is at 501, Sangli Bank Building, 296, Perin Nariman St, Mumbai – 400 001, incorporated on 18th February, 1982 vide CIN – L99999MH1982PLC026369 on the file of Registrar of Companies Maharashtra, having Authorised share capital of Rs.60 crores and paid up share capital of Rs. 27,94,37,234.

3. The Board of Directors of the Corporate Debtor in their meeting held on 15.05.2017 authorised Shri Kishore Gurbux Motwani, Managing Director of the Company to file necessary application for initiation of Corporate Insolvency process in terms of Section 10 of the Code. The Board also proposed, Mr. Jitendra Kumar Jain, Arcindo Law, Advocate, Level 8,, Vibgyor Towe, G Block, C-62, Bandra Kurla Complex, Mumbai – 400 098, Registration No. IBBI/IPA-002/IP-N00033/2016-17/10070, Email: jit1.jain@gmail.com, as interim resolution professional, who has given his consent with a declaration that no disciplinary proceedings are pending against him.

4. The Corporate Debtor has disclosed that a sum of Rs. 451,63,58,084/- is payable to Financial Creditors, Rs. 20,50,97,538/- to Operational Creditors, Rs. 91,32,445/- is the unpaid dividend, Rs. 24,82,31,681/- towards Duties and Taxes and other liabilities works out to Rs. 86,63,866/-, thus the total liability is Rs. 498,74,86,614/-.

5. The Independent Auditors Report annexed to the Annual Accounts for the year ending 31.03.2016 states that the Company failed to repay the deposits and interest thereon due dates, redeem its debentures on due date and pay dividend for the year ended 30.06.2001 and such failure has continued for more than 1 year.

6. The Corporate Debtor has disclosed that 20 Financial Creditors have filed cases before Debt Recovery Tribunal, Mumbai for recovery of the amount due to them.

7. The Corporate Debtor has enclosed the audited financial statements for the year ended 31.03.2016 & 31.03.2017 and the provisional financial

statement up to 17.05.2017. A list of assets and liabilities of the Corporate Debtor as on 17.05.2017 is also enclosed with the application. The Corporate Debtor also enclosed the list of Financial Creditors and Operational Creditors as on 17.05.2017. The Corporate Debtor has disclosed the particulars of debt owed by the Corporate Debtor to or by persons connected with it, the name and the address of the members of the Corporate Debtor with the details of their shareholdings, details of personal guarantees and the affidavit in support of the petition.

8. On reading the petition and the supporting documents annexed with the petition, this Bench is of the view that the corporate debtor has committed default and the petition contains the particulars as required u/s 10 of the Code. Hence, this Bench hereby admits this petition, declaring moratorium with consequential directions as mentioned below:

- (i) That this Bench hereby prohibits 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; transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein; 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; the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.
- (ii) That the supply of essential goods or services to the corporate debtor, if continuing, shall not be terminated or suspended or interrupted during moratorium period.

- (iii) That the provisions of sub-section (1) of Section 14 shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.
- (iv) That the order of moratorium shall have effect from 28.6.2017 till the completion of the corporate insolvency resolution process or until this Bench approves the resolution plan under sub-section (1) of Section 31 or passes an order for liquidation of corporate debtor under Section 33, as the case may be.
- (v) That the public announcement of the corporate insolvency resolution process shall be made immediately as specified under Section 13 of the Code.
- (vi) That this Bench hereby appoints, Mr. Jitendra Kumar Jain, Arcindo Law, Advocate, Level 8, Vibgyor Tower, G Block, C-62, Bandra Kurla Complex, Mumbai – 400 098, Registration No. IBBI/IPA-002/IP-N00033/2016-17/10070, Email : jit1.jain@gmail.com, as Interim Resolution Professional to carry the functions as mentioned under Insolvency & Bankruptcy Code.
9. Accordingly, this Petition is admitted.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)