

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH**

**C.P (IB)No.42/BB/2017**

**IN THE MATTER OF INSOLVENCY AND BANKRUPTCY CODE, 2016  
SECTION 10 OF INSOLVENCY AND BANKRUPTCY CODE, 2016  
AND**

**IN THE MATTER OF M/s DCS INTERNATIONAL PRIVATE LIMITED**

Judgement/Order delivered on: **10<sup>th</sup> July 2017**

Coram: Hon'ble Shri Ratakonda Murali, Member (Judicial)

For the Petitioner (s): Mr. A.Butchaiah, FCA, M/s Butchaiah & Associates,  
Chartered Accountants, 559, HMT Layout, 4<sup>th</sup> Cross, 6<sup>th</sup>  
Main, Ganganagar, Bengaluru-560032-Practicing Company  
Secretary and Authorised representative for the Corporate  
Debtors.

Per: Hon'ble Shri Ratakonda Murali, Member (Judicial) – Author


**O R D E R**

This Application is filed on behalf of Corporate Applicant/Corporate Debtor under section 10 of Insolvency and Bankruptcy Code, 2016 read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for initiation of Corporate Insolvency Resolution Process.

The averments made in the Company Application are briefly described hereunder:-

The Corporate Debtor i.e., DCS International Private Limited was incorporated on 12<sup>th</sup> April 2004. The Registered office of the Corporate Debtor is situated at 18/2, 7<sup>th</sup> Mile Srinivasa Industrial Estate, Next to Metro, Kanakapura Main Road, Bangalore-560078. The latest authorised share capital is Rs.50,00,000 divided into 5,00,000 equity shares of Rs. 10/- each and the issued, subscribed and paid-up share capital is Rs.45,00,000/- divided into 4,50,000 equity shares of Rs.10 each.

It is further averred that, the Corporate Applicant is unable to pay its large pending dues and Corporate Applicant committed default. It is further a case of Corporate Applicant that the Board of Directors of the Corporate Debtor in their meeting held on 29<sup>th</sup> May 2017 passed resolution. It is further case of Corporate Applicant that, it is unable to pay to its financial creditors, operational creditors, taxes and dues and other amounts totaling around Rs 10,65.18,254/-



The Corporate Applicant also filed the Audited two years Balance Sheet and unaudited Balance Sheet for the current year shown as Annexure-V at page No. 64 to 147.

The Corporate Applicant has filed Board Resolution shown as Annexure-X at page No. 223 and perused the Board Resolution. The Board of Directors accorded permission to the Company/Corporate Debtor to initiate Corporate Insolvency Resolution Process by filing necessary Application before this Tribunal.

The Corporate Applicant filed the financial and operational creditors details shown as Annexure-VI at page No. 159 to 215.

The Corporate Applicant furnished other documents as required with regards to the details of loans etc., availed.

The Corporate Applicant has filed consent letter from Interim Resolution Professional Mr. Thirupal Gorige, No. 87, 2<sup>nd</sup> Floor, 21<sup>st</sup> Cross, 7<sup>th</sup> Main, N.S Palya, BTM Layout, 2<sup>nd</sup> Stage, Bangalore-560076 for initiation of Corporate Insolvency Resolution Process under Insolvency and Bankruptcy Code, 2016. His certificate of eligibility and acceptance to function as an Interim Resolution Professional having Registration No. IBBI/IPA-002/IP-N00016/2016-17/10030 has also been placed on record which is marked as Annexure-III at page No.10 and 11 to the Application.

Heard the Practising Company Secretary, He has furnished the relevant information as provided under section 10 of Insolvency and Bankruptcy Code, 2016 read with Rule 7 of Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for initiation of Corporate Insolvency Resolution Process. This petition is filed under section 10 of Insolvency and Bankruptcy Code, 2016. The Applicant is Corporate Debtor and the Corporate Applicant alleged it has committed default.

In this circumstances, there are sufficient ground to admit the Application and to pass the following orders:-





- 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 judgement, 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) 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 10<sup>th</sup> July 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, whichever is earlier.
- 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. Thirupal Gorige, No. 87, 2<sup>nd</sup> Floor, 21<sup>st</sup> Cross, 7<sup>th</sup> Main, N.S Palya, BTM Layout, 2<sup>nd</sup> Stage, Bangalore-560076 Registration No. IBBI/IPA-002/IP-N00016/2016-17/10030 as Interim Resolution Professional to carry the functions as mentioned under Insolvency and Bankruptcy Code, 2016 immediately.

Accordingly, this Petition is admitted.

10/7/17  
(RATAKONDA MURALI)  
MEMBER, JUDICIAL