

IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH

CP (IB) No.01/BB/17

SECTION 9 OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016

IN THE MATTER OF  
BELTHANGADY TALUK RUBBER GROWER'S MARKETING & PROCESSING CO-  
OPERATIVE SOCIETY LIMITED

Order delivered on: 30<sup>th</sup> August, 2017

Coram: Hon'ble Shri Ratakonda Murali, Member (Judicial)  
Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

For the Petitioner : Sangeetha M.S, Advocate \* Prashanth B.K & associates, CCI - legal, Advocates  
\* corrected r.o. dt: 8.9.17.  
For the Respondent No.1 : Amrutha Varshini.M.C, Advocate  
For the Respondent No.2 : K.Srinandan, Advocate

BETWEEN :

Belthangady Taluk Rubber Grower's Marketing &  
Processing Co-operative Limited,  
Ujire Village, Belthangady Taluk,  
Dakshina Kannada District,  
Ujire - 574 240.

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Petitioner

AND :

1. M/s. Falcon Tyres Ltd.,  
K.R.S. Road, Metagalli,  
Mysore - 570 016.
2. Falcon Tyres Employees Union,  
C/o Falcon Tyres Ltd.,  
K.R.S. Road, Metagalli Post,  
Mysuru - 570 016.

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Respondents.

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

Heard on: 26.07.17, 11.08.2017, 16.08.2017, 18.08.2017, 21.08.17, 23.08.2017, 29.08.2017

**ORDER**

Counsel for petitioner is present. No representation for the Respondent Falcon Tyres Ltd. Counsel for impleading party is also present. Counsel for impleading party reported no objection for appointing IRP in the main petition.

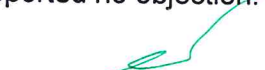

 

Originally, the petitioner M/s Belthangady Taluk Rubber Grower's Marketing & Processing Co-operative Society Limited, has filed this petition under Section 9 of Insolvency & Bankruptcy Code to initiate Insolvency Resolution Process against the Respondent No.1 Company. In this matter Respondent No.1 Company filed a Writ Petition before the Hon'ble High Court of Karnataka bearing WP Nos. 21489-21490/2017. The Hon'ble High Court has subsequently passed an order dated 07.08.2017 in this matter directing the parties to be present before the Tribunal on 16.08.2017 and a further direction was given to the Tribunal to dispose of the matter within fourteen days from that date.

This matter was listed from time to time to enable the Respondent No.1 Company, Falcon Tyres Ltd., to file its objections if any. Even though sufficient time was granted to Respondent No.1 Company (Falcon Tyres Ltd.) has not filed its objections. Therefore, the Tribunal treated that since the Company has not filed its objections, filing of their objections was recorded as not filed. M/s. JSN Law Partners have filed their vakalat for the Respondent No.1 Company.

The matter was listed on 16.08.2017 and the counsel for the Company was present on that day and the matter was listed to 18.08.2017 for filing objections. Again, on 18.08.2017, objections were not filed and time was requested on behalf of the Company and it was listed on 21.08.2017. Again, on that date, objections were not filed and the matter was again listed to 23.08.2017. Even on 23.08.2017, objections were not filed. So, the Tribunal has given sufficient time to Falcon Tyres Ltd. to file its objections if any and thereafter on 23.08.2017, this Tribunal treated that the Company has not filed any objection and therefore, it was listed to 29.08.2017 and again listed it to today as the time prescribed by the Hon'ble High Court of Karnataka will expire today.

The petitioner is the Operational Creditor who has initiated Insolvency Resolution Process against the Respondent No.1 Company under Section 9 of the Insolvency & Bankruptcy Code. The counsel for impleading respondent reported no objection. There is no objection filed from the Company.




We have gone through the documents filed by the petitioner. The Petitioner Company has also named the IRP to be appointed in this case. His name is Mr. Anand Ramachandra Bhat, Registration No. IBBI/IPA-001/IP-P00467/2017-18/10810, residing at No.81, 8<sup>th</sup> main, 8<sup>th</sup> Main, Kumara Park West, Serpentine Road, Bangalore-560020, Email: ab.inspro@outlook.com


Since the petitioner/Operational Creditor has furnished all information required for initiating Insolvency Resolution Process against the Respondent-1 Company, this Bench is satisfied that the corporate debtor failed to discharge the liability mentioned in this Company Petition filed by the operational creditor under section 9 of Insolvency and Bankruptcy Code, 2016 resulting occurrence of default for an amount of Rs.1,18,34,618.66/-, this Bench admits this Petition under section 9 of Insolvency and Bankruptcy Code, 2016 declaring moratorium for the purposes referred to in section 14 of the code with following directions:-

- 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 Securitization 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 30<sup>th</sup> August, 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. Anand Ramachandra Bhat, Registration No. IBBI/IPA-001/IP-P00467/2017-18/10810, residing at No.81, 8<sup>th</sup> main, 8<sup>th</sup> Main, Kumara Park West, Serpentine Road, Bangalore-560020, Email: ab.inspro@outlook.com as

Interim Resolution Professional to carry the functions as mentioned under the Insolvency & Bankruptcy Code.

Accordingly, this Petition is admitted.

  
(ASHOK KUMAR MISHRA)  
MEMBER, TECHNICAL

  
(RATAKONDA MURALI)  
MEMBER, JUDICIAL