

**IN THE NATIONAL COMPANY LAW TRIBUNAL :  
HYDERABAD BENCH : AT HYDERABAD**

C.P.(IB)No.207/7/HDB/2017  
U/S 7 of IBC 2016 R/W Rule 4 of I&B  
(Application to Adjudicating Authority) Rules, 2016

**In the matter of:**

The Central Bank of India  
Corporate Finance Branch:  
Bank Street, Koti,  
Hyderabad - 500 095  
Rep. by its Authorised Signatory  
Shri Y.Anil Kumar, AGM.

**CERTIFIED TO BE TRUE COPY  
OF THE ORIGINAL**

.....Petitioner / Financial Creditor

Versus

M/s. Rajvir Industries Limited  
Regd. Office :  
1<sup>st</sup> Floor, Surya Towers,  
105, SP Road,  
Secunderabad, Telangana, India

....Respondent / Corporate Debtor

Date of Order : 17-11-2017

**CORAM:**

Hon'ble Mr. Rajeswara Rao Vittanala, Member (Judicial)  
Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)

Parties / Counsels Present:

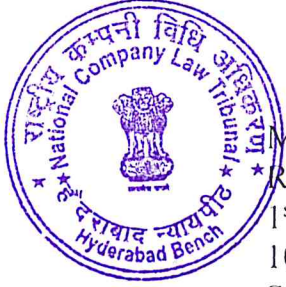
For Petitioner : Mr.P.Ravi Charan  
Mr.L.Venkateshwara Rao  
Along with Shri Y.Anil Kumar,  
AGM, CBI  
Mr. Praveen Kumar Jain

For Respondent : Mr. S.Raja Gopal

Per: Rajeswara Rao Vittanala, Member (Judicial)

**ORDER**

1. The present Company Petition bearing  
C.P.(IB).No.207/7/HDB/2017 is filed by Central Bank of



India u/s 7 of the Insolvency and Bankruptcy Code, 2016 R/W Rule 4 of the I&B (Application to Adjudicating Authority) Rules, 2016 by seeking to initiate Corporate Insolvency Resolution Process in the matter of M/s.Rajvir Industries Limited under IBC, 2016.

2. Heard, Mr. Praveen Kumar Jain, Learned Counsel for Petitioner. Mr. S.Raja Gopal, Learned Counsel for Respondent.
3. Mr. Praveen Kumar Jain, Learned Counsel for Petitioner submit that M/s.Rajvir Industries Limited is incorporated on 01.09.2004. The Corporate Debtor has availed debts in the form of Working Capital Term Loan under multiple banking arrangement from Financial Creditor and other leaders viz SBI, Axis Bank, ICICI, IDBI, SB of Bikaner & Jaipur, SBH and SB of Mysore.
4. The amount of default of Corporate Debtor to the Financial Creditor as on 31.07.2017 is as under:

Sl.No.	Particulars	Amount in Rs.
1	Term Loan vide Account No. 3049158732	5,74,08,570.00
2	Priority Debt vide Account No. 3442406870	17,29,857.15
3	Funded Interest Term Loan vide Account No. 3442424299	58,22,000.00
	<b>Total Default Amount</b>	<b>6,49,60,427.15</b>

5. When the said amount was not paid, the Petitioner got issued Demand Notice dated 02.05.2017 under section 7 of IBC, 2016 R/W Rule 5 of I&B (Application to Adjudicating Authority) Rules, 2016 by demanding to pay the total amount of Rs.6,97,03,593.66 (which represents the principal plus interest due up to 19.04.2017). However, the Respondent failed to pay the



above amount, thus filed the present Company Petition by seeking to initiate Corporate Insolvency Resolution Process against the Respondent.

6. The case is listed on various dates viz 22.09.2017, 27.09.2017, 6.10.2017, 09.10.2017, 18.10.2017, 23.10.2017, 07.11.2017, 16.11.2017 and 17.11.2017. The case was adjourned on above dates on the submission of the Learned Counsels of parties that the issue in question was likely to be resolved between the parties.
7. The Learned Counsel for Petitioner filed Memo dated 17.11.2017, which reads as under:

- a. The Corporate Debtor has submitted an undertaking on 18.10.2017 stating that they have made payment of Rs.40,00,000/- and further committed that it will make the payment of reminder of balance approx. an amount of Rs.55,00,000/- on or before 30.12.2017 and make the account standard on or before 30.12.2017.
- b. The Financial Creditor submits that after filing the above petition, the Corporate Debtor has paid an amount of Rs.40,00,000/-. And the outstanding amounts and total overdues out of the outstanding amount to be paid after deduction of the amounts of Rs.40,00,000/- paid by Corporate Debtor are as follows:

A/c	Outstanding amounts upto Dec 2017	Overdues (upto Dec 2017) (out of outstanding amount)
TL 1 -- 3049158732	5,61,25,602.00	77,03,602.00
TL 2 -- 3442406870	10,42,778.00	4,64,278.00
TL 3- 3442424299	54,13,643.00	8,34,143.00
<b>TOTAL</b>	<b>6,25,82,023.00</b>	<b>90,02,023.00</b>





c. The Financial Creditor submits that the total outstanding dues of the Corporate Debtor is Rs 6,25,82,023/- out of which overdue amount upto December 2017 is Rs 90,02,023/- (approximately). Upon making the payment of Rs.90,02,023/- to the Financial Creditor, the accounts of Corporate Debtor will be eligible for upgradation to Standard Category.

d. The Financial Creditor has examined the proposal of the Corporate Debtor and is agreeable subject to the following conditions:

- i. Corporate Debtor to submit Post Dated Cheque for an amount of Rs 90,02,023/- on or before 18.11.2017;
- ii. Corporate Debtor to make payment of overdue amount of Rs.90,02,023/- on or before 15.12.2017;
- iii. After upgrading the account to standard category (i.e. after payment of Rs.90,02,023/-), Corporate Debtor shall pay the balance outstanding amount of Term Loans of Rs.5,35,80,000/- to the Financial Creditor as per Master Restructuring Agreements dated 26.08.2014 and 18.10.2014 executed by Corporate Debtor with Financial Creditor and along with other lenders.

e. In the light of above facts and circumstances, we pray the Hon'ble Tribunal to dispose the above Company Petition in terms of the conditions as stated in clause 4 mentioned above giving liberty





to the Financial Creditor to file fresh petition in the event of defaults committed by Corporate Debtor in compliance of the above conditions including initiation of contempt proceedings against the Corporate Debtor in accordance with law.

8. In the light of the facts, and circumstances of case, the Company Petition bearing C.P.(IB).No.207/7/HDB/2017 is disposed of as withdrawn by granting liberty to the Petitioner to file fresh Company Petition, in case, any default committed by the Corporate Debtor of the terms and conditions mentioned in the Memo dated 17.11.2017. No order as to costs.

*Sd/-*  
RAVIKUMAR DURAISAMY  
MEMBER (TECHNICAL)

*Sd/-*  
RAJESWARA RAO VITTANALA  
MEMBER (JUDICIAL)

*for* *lh*  
Dy. Regr./Asst. Regr./Court Officer/  
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति  
CERTIFIED TRUE COPY  
केस संख्या  
CASE NUMBER C.P.(IB).No.207/7/HDB/2017  
निर्णय का तारीख  
DATE OF JUDGEMENT 17-11-2017  
प्रति तैयार किया गया तारीख  
COPY MADE READY ON 22-11-2017