



SL. No.2

**NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH
COURT HALL NO: II**

Hearing Through: VC and Physical (Hybrid) Mode

CORAM: SHRI. RAJEEV BHARDWAJ, HON'BLE MEMBER (J)

CORAM: SHRI. SANJAY PURI, - HON'BLE MEMBER (T)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,
HYDERABAD BENCH, HELD ON 01.03.2024 AT 10:30 AM**

TRANSFER PETITION NO.	
COMPANY PETITION/APPLICATION NO.	IA (IBC) (Liq) /2/2024 in Company Petition IB/252/2021
NAME OF THE COMPANY	Sai Bhaskar Irons Ltd
NAME OF THE PETITIONER(S)	Steel Exchange India Ltd
NAME OF THE RESPONDENT(S)	Sai Bhaskar Irons Ltd
UNDER SECTION	9 of IBC

ORDER

IA(IBC)(Liq)/2/2024

Orders pronounced, recorded vide separate sheets. In the result, the liquidation is allowed.

Sd/-
MEMBER (T)

Sd/-
MEMBER (J)



IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II

I.A. No.2 of 2024 in
C.P. (IB) No. 252/9/HDB/2021
u/s 33(1)(a) of IBC 2016

In the matter of:

M/s. Steel Exchange India Limited
Vs.
M/s. Sai Bhaskar Irons Limited

Dr. K.V. Srinivas,
Resolution Professional of
M/s. Sai Bhaskar Irons Limited,
402, 4th Floor,
6-3-249/6, Alcazar Plaza & Towers,
Road No.1, Banjara Hills,
Hyderabad – 500 034.

....Applicant /
Resolution Professional

Date of Order : 01.03.2024

Coram:

Sri Rajeev Bhardwaj, Hon'ble Member (Judicial)

Sri Sanjay Puri, Hon'ble Member (Technical)

Counsel present:

For the Applicant : Dr. K V Srinivas, RP

Heard on : 07.02.2024

Per : Bench

ORDER

1. This an Application filed by the Resolution Professional under Section 33(1), 33(2) and 34(1) read with Section 60(5) of the Insolvency and Bankruptcy Code 2016, seeking Orders for



Liquidation of the Corporate Debtor (**CD**) i.e. **M/S. SAI BHASKAR IRONS LIMITED**; and for appointing the Applicant as the Liquidator.

Brief facts of the Application:

2. The Company Petition i.e., CP (IB)/252/9/HDB/2021 was admitted in to CIRP¹ by this Tribunal vide Order² dated 24.04.2023 and the Applicant herein, was appointed as Interim Resolution Professional (IRP).
3. On May 4, 2023, the Applicant issued a public announcement³ in Form A through newspapers, officially declaring the commencement of the Corporate Insolvency Resolution Process (CIRP) and inviting claims from creditors of the Corporate Debtor (CD). In response to this announcement, the Applicant received claims from various creditors of the CD. Subsequently, these claims were compiled, and a comprehensive list of creditors was formulated in accordance with the provisions of the Insolvency and Bankruptcy Code. Following this, the IRP established the Committee of Creditors (**CoC**), comprising Operational Creditors, and submitted a report certifying the constitution of the CoC to this Tribunal, adhering to the stipulations outlined in Regulation 17 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations 2016.
4. In the 1st CoC meeting⁴ held on 02.06.2023, the Applicant IRP was appointed as Resolution Professional (**RP**) and the same was approved by this Tribunal vide Order⁵ dated 19.06.2023. In

¹ Corporate Insolvency Resolution Process.

² Pg 15-28 of the Application.

³ Pg 29-30 of the Application.

⁴ Pg 39-49 of the Application.

⁵ Pg 51 of the Application.



accordance with the approval of CoC in its 2nd meeting held on 29.06.2023, the Applicant issued Public Notice in Form G⁶ calling for Expression of Interest (**EoI**) from Prospective Resolution Applicants (**PRAs**). In view of the poor response by the last date of submission of EoIs, the CoC in its 3rd meeting⁷ held on 04.08.2023 directed the Applicant to issue one more Form G.

5. The CoC in its 4th meeting⁸ held on 05.09.2023, had considered and approved the Request For Resolution Plan (**RFRP**) and draft Evaluation Matrix.
6. In its 5th meeting⁹ held on 12.10.2023, the CoC had approved the appointment of Statutory Auditors. It is further submitted that, during 7th CoC meeting¹⁰ held on 27.11.2023 discussed on the status of Resolution Plan received, the deficiencies noted therein, and deliberated with the PRA on the deficiencies/shortfalls noticed in the Plan submitted by it and requested the PRA to improve its offer and submit a fully compliant Resolution Plan for the consideration of CoC. Further, the CoC had taken on record the Report of the Transaction Auditors.
7. It is further submitted that, CoC in its 9th meeting¹¹ held on 18.01.2024 members present opined that, there is no point in approving the deviations/deficiencies in the Resolution Plan pointed out by the RP, which serves no purpose in pursuing a reluctant Resolution Applicant. Further noting that, the Plan amount proposed was also too low, the CoC had, in exercise of

⁶ Pg 63-64 of the Application.

⁷ Pg 65-75 of the Application.

⁸ Pg 76-81 of the Application.

⁹ Pg 83-87 of the Application.

¹⁰ Pg 95-101 of the Application.

¹¹ Pg 108-116 of the Application.



its commercial wisdom did not approve the deviations. The CoC, taking note of the fact that the CIRP period is coming to an end on 28.01.2024, directed the RP to place before them for their consideration the mandatory resolutions in this regard. Accordingly, the CoC by a majority vote, had approved resolution seeking appropriate directions of this Hon'ble Tribunal u/s 33(1)(a) and 34(1) of IBC, 2016. Further, the CoC by a majority vote, had approved resolutions under regulation 39B 39C and 39D.

8. It is submitted that, the status of the IAs filed by the Applicant RP in the main CP is as follows:
 - i. IA No.1809 : This IA is posted to 26.03.2024 for filing the physical copy of the Counter by the Respondent.
 - ii. 3 more IAs filed u/s 43, 45 & 66 : Under verification. Not listed for non-compliance of the objection raised by the Registry.
9. It is submitted that, in compliance with the provisions of regulation 40B, the Applicant had filed the forms¹² along with enclosures thereto in electronic form with the board within the specified timelines.
10. The CoC suggested the name of the Applicant RP to appoint as Liquidator,¹³ and in compliance to the requirements of Section 34(1) of IBC, the Applicant RP submitted his written consent¹⁴ to act as Liquidator of the CD.
11. Hence, this application seeking for an order requiring the CD to be liquidated.

¹² Pg 117-119 of the Application.

¹³ Pg 114 of the Application.

¹⁴ Pg 120-121 of the Application.



Decision:

12. We have heard the Learned RP and perused the records.
13. From the above, it would appear that despite all possible steps as required under the Code taken during the CIRP, the CoC did not receive any viable proposal for revival of the Company. Hence, this Adjudicating Authority deems it proper to allow this Application. Accordingly, in exercise of powers conferred under Sub-Clause (i), (ii) and (iii) of Clause (b) of Sub-Section (1) of Section 33 of the IBC 2016, we proceed to pass the Order as follows:

ORDER

- a. This Adjudicating Authority hereby order for Liquidation of **M/S. SAI BHASKAR IRONS LIMITED**, which shall be conducted in the manner as laid down in Chapter III of Part II of the IBC, 2016.
- b. This Adjudicating Authority hereby appoint **Dr. K.V. Srinivas as Liquidator** as resolved by CoC.
- c. The Liquidator shall issue public announcement stating that Corporate Debtor is in Liquidation.
- d. The Moratorium declared under Section 14 of the IBC, 2016 shall cease to operate here from.
- e. Subject to section 52 of the IBC 2016 no suit or other legal proceedings shall be instituted by or against the Corporate Debtor. This shall however not apply to legal proceedings in relation to such transactions as may be



notified by the Central Government in consultation with any financial sector regulator.

- f. All powers of the Board of Directors, Key Managerial Personnel and partners of the Corporate Debtor shall cease to have effect and shall be vested in the Liquidator.
- g. The Liquidator shall exercise the powers and perform duties as envisaged under Sections 35 to 50 and 52 to 54 of the Code, read with Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations 2016.
- h. Personnel connected with the Corporate Debtor shall extend all assistance and cooperation to the Liquidator as will be required for managing its affairs.
- i. The Liquidator shall be entitled to such fees as may be specified by the Board in terms of Section 34 (8) of the Code.
- j. This Order shall be deemed to be a notice of discharge to the officers, employees and workmen of the Corporate Debtor, except when the business of the Corporate Debtor is continued during the Liquidation process by the Liquidator.
- k. Copy of the Order shall be furnished to the IBBI, to the Regional Director (South Eastern Region), Ministry of Corporate Affairs; Registrar of Companies & Official



Liquidator, Telangana, the Registered Office of the
Corporate Debtor; and the Liquidator.

With the above directions, this Application is allowed and stands
disposed of.

Sd/-
(SANJAY PURI)
MEMBER (TECHNICAL)

Sd/-
(RAJEEV BHARDWAJ)
MEMBER (JUDICIAL)

VL