

BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
COURT 1

IA/107(AHM)2021 in CP(IB) 487 of 2018

Coram: MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)  
VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE THE AHMEDABAD BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 10.03.2021

Name of the Company: Savan Godiawala RP For Shirpur Power Pvt Ltd

Section: 33(1) & 33(5) IBC, 2016

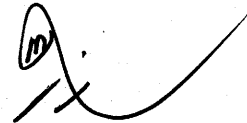
**ORDER**

The case is fixed for pronouncement of order.

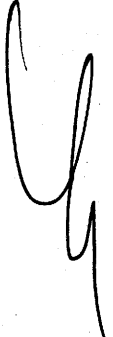
The order is pronounced in open court vide separate sheet.



(VIRENDRA KUMAR GUPTA)  
MEMBER (TECHNICAL)



(MADAN B. GOSAVI)  
MEMBER (JUDICIAL)



Dated this the 10th day of March, 2021.

**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
AHMEDABAD BENCH  
COURT -I**

**I.A. No. 107 of 2021  
IN  
CP(IB) No. 487/7/NCLT/AHM /2018**

**In the matter of :**

[An Application is filed under Section 33(1) of the Insolvency & Bankruptcy Code, 2016]

AND

**In The Matter Of:**

**Mr. Savan Godiawala**  
Resolution Professional for  
**M/s. Shirpur Power Pvt Ltd. (Corporate Debtor )**  
having registered office at:  
903, Shilp Building  
Opp. Navrangpura Telephone Exchange  
Ahmedabad-380 009

**..Applicant**

**Order Reserved on: 08.03.2021**  
**Order Pronounced on: 10.03.2021**

**Coram: MADAN B GOSAVI, MEMBER(J)**  
**VIRENDRA KUMAR GUPTA, MEMBER (T)**

**Appearance:**

Learned Counsel Mr. Damandeep Singh appeared for the Applicant.

Mr. Savan Godiawala Resolution Professional appeared in person.

**ORDER**

**[Per: VIRENDRA KUMAR GUPTA, Member (T) ]**

1. The present Interlocutory Application is filed by the Resolution Professional seeking for passing an order of liquidation under Section 33 of the Insolvency & Bankruptcy Code, 2016 for initiation of Liquidation Process of **M/s. Shirpur Power Pvt Limited** -the Corporate Debtor.
2. The facts, in brief, are that, this Adjudicating Authority admitted Corporate Debtor into Corporate Insolvency Resolution Process vide its order dated 4<sup>th</sup> March, 2020 in CP(IB) No. 487/7/NCLT/AHM/2018 filed under Section 7 of the IBC, 2016, wherein Mr. Savan Godiawala, Insolvency Professional was appointed as "IRP".
3. The IRP made the public announcement as contemplated under the provision of Section 15 of the Code and invited the claims from Creditors in prescribed Forms in " Navsakti" Marathi & "Financial Express" in English & Gujarati respectively on 21.03.2020. Pursuant thereto (a) Bank of Baroda (b) State Bank of India (c) IDBI Bank Ltd., were found to be eligible under Section 21 of the Code, to be part of the CoC of the Corporate Debtor.



4. The Resolution Professional called for first meeting of the CoC on 29.05.2020, wherein CoC unanimously decided to appoint IRP Mr. Savan Godiawala as the Resolution Professional. A copy of the minutes of the meeting is attached with the application.
5. It is submitted that pursuant to Regulation 27 of the IBBI (Corporate Insolvency Resolution Process) Regulations, 2016. IVAS Partners & AAA Valuation Professionals LLP were appointed as Valuer of the Corporate Debtor with professional fee of Rs. 4,00,000/- plus applicable taxes respectively to perform statutory audit of the Corporate Debtor, the Resolution Professional has appointed BDO India LLP as the Auditor in the second meeting of the CoC dtd. 25.06.2020, minutes of the said meeting is attached with the application.
6. The Resolution Professional in compliance of his duties made public announcement in Form-G inviting EOI from the prospective Resolution Applicant. The last date for submission of EOI was 26.11.2020. Pursuant to which no Resolution plan has been received. The period of Corporate Insolvency Resolution Process was extended for

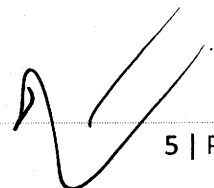
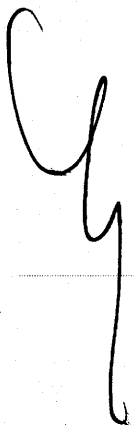
90 days beyond 180 days by this Authority vide order dated 09.11.2020.

7. It is noted that in the Tenth meeting of CoC dated 03.02.2021, the members of CoC through E-voting decided to liquidate the Corporate Debtor and go for liquidation process. At this juncture, CoC decided to appoint Mr. Dushyant Dave as the "Liquidator" with a fees as prescribed under Rule 4(2) and 4(3) of the IBBI (Liquidation Process) Regulations, 2016 was also passed unanimously by members of CoC. The minutes of the said meeting is attached with the application.

8. We heard Learned Counsel for the applicant and material available on record. It is noted that any proceeding already initiated before moratorium under Section 14 of the Insolvency & Bankruptcy Code, 2016 becoming effective, such proceeding can be continued as there is no bar in this regard under Section 33(5) of the Insolvency & Bankruptcy Code, 2016. With the aforesaid observations, we hold that this application deserves to be allowed and the Corporate Debtor needs to be liquidated. Accordingly, we pass following order :

**ORDER**


1. We hereby pass the order of liquidation of the Corporate Debtor Company **M/s. Shirpur Power Pvt Ltd. (Corporate Debtor )** and allow IA No. 107 of 2021. The Liquidation of the Corporate Debtor is effective from the date of this order.
2. The Moratorium declared vide order dated 04.03.2020 in CP(IB) No. 487/9/NCLT/AHM/2018, henceforth, ceases to exist.
3. As per the Section 34(1) of the I.B. Code, the Applicant/ Resolution professional, **Mr. Dushyant Dave, having registration No IBBI/IPA-003/IP-N00061/2017-2018/10502** is hereby appointed as a 'Liquidator' of the Company **M/s. Shirpur Power Pvt Ltd.** which has been duly approved by CoC in its tenth meeting dated 03.02.2021.
4. All the powers of the Board of Directors, key managerial persons, the partners of the Corporate Debtor hereafter cease to exist. All these powers henceforth, vest with the Liquidator.



5. The Liquidator will charge fees for conduct of the liquidation proceedings in proportion to the value of the liquidation estate assets as specified by IBBI and the same shall be paid to the Liquidator from the proceeds of the liquidation estate under Section 53 of the Code.
6. That once having liquidation process initiated, subject to Section 52 of the Code, no suit or other legal proceedings shall be instituted by or against the Corporate Debtor save and except the liberty to the liquidator to institute suite or other legal proceeding on behalf of the corporate debtor with prior approval of this Adjudicating Authority as mentioned in Sub-Section 6 of Section 33 of the I.B. Code.
7. The Liquidator shall take necessary legal action to recover the trade receivables and other credits such as loans and advances from the parties which are reflected in the latest balance sheet of the Corporate Debtor, if any. This direction is hereby given in concurrence of the jurisdiction prescribed under Section 33(5) of the Code.
8. This liquidation order shall be a deemed to be notice of discharge to the officers, employees and workmen of

the Corporate Debtor except to the extent of the business of the Corporate Debtor continued during the liquidation process by the Liquidator.

9. The Registry is directed to upload this order on the Official Website within maximum two working days from the date of this order. The authenticated copy of this order also be sent by the registry to the Financial Creditor, Corporate Debtor, Registrar of the Company, Resolution Professional cum Liquidator by Speed-post within one week from this order.
10. **Accordingly, I.A. No. 107 of 2021 is allowed and stands disposed of a.w. main CP(IB) No. 487 of 2018.** The Liquidator to file preliminary/progress report as per the Regulations before this Authority.

  
(VIRENDRA KUMAR GUPTA)  
MEMBER (T)

  
(MADAN B GOSAVI)  
MEMBER (J)

Signed on this, the 10<sup>th</sup> March, 2021.