

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH (COURT- I) CHENNAI**

ATTENDANCE CUM ORDER SHEET OF THE HEARING
HELD ON **26.07.2024** THROUGH VIDEO CONFERENCING

PRESENT: HON'BLE SHRI. SANJIV JAIN, MEMBER (JUDICIAL)
HON'BLE SHRI. VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

IN THE MATTER OF : Fomra electronics Pvt Ltd
Vs
Base Electrical and electronic solutions Pvt Ltd

MAIN PETITION NUMBER : IBA/1130/2019

(IA/MA) APPLICATION NUMBERS

IA(DIS)/15(CHE)/2024

ORDER

Present: None for the Applicant / Liquidator.

Vide separate order pronounced in open court, M/s. Base Electrical and
Electronic Solutions Pvt Ltd is dissolved.

File be consigned to records.

Sd/-

(VENKATARAMAN SUBRAMANIAM)
MEMBER (TECHNICAL)

MG

Sd/-

(SANJIV JAIN)
MEMBER (JUDICIAL)

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH – I, CHENNAI**

IA/(IBC)/(DIS)/15 (CHE)/2024 in IBA/1130/IB/2019

*(Filed under Section 54 of the Insolvency and Bankruptcy Code, 2016 read
with Regulation 14 of IBBI (Liquidation Process) Regulations, 2016*

*In the matter of **Base Electrical and Electronic Solutions Private
Limited***

Vasudevan Gopu

Liquidator of Base Electrical Solutions Private Limited

IP Reg No: IBBI/IPA-002/IP-N00291/2017-18/10849

‘G.V.Enclave’ 18/30 Ramani Street, K.K.Pudur,

Saibaba Colony (4th Right Opp. Road to Saibaba Colony

Hotel Annapoorna Road) Coimbatore – 641 038

Velachery, Chennai – 600 042

... Applicant

Order Pronounced on 26th July 2024

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SANJIV JAIN, MEMBER (JUDICIAL)

VENKATARAMAN SUBRAMANIAM, MEMBER (TECHNICAL)

For Applicant : Akhila.B, Advocate

ORDER

(Hearing Conducted through Hybrid Mode)

This Application has been filed under Section 54 of the
Insolvency and Bankruptcy Code, 2016 read with Regulation 14 of IBBI
(Liquidation Process Regulations), 2016 by the liquidator of the
Corporate Debtor herein seeking for an order for Dissolution of the

Corporate Debtor viz., *BASE ELECTRICAL AND ELECTRONIC SOLUTIONS PRIVATE LIMITED.*

2. It is stated that CIRP of the Corporate Debtor was initiated by this Tribunal vide order dated 11.12.2021 and One Mr. Vegatrao was appointed as Interim Resolution Professional (IRP). Thereafter, the applicant herein Mr.Vasudevan Gopu was appointed as Resolution Professional (RP) vide order dated 06.10.2020.

3. During the CIRP Process, the Financial Creditor cum Sole member of Committee of creditors of the CD namely Karur Vysya Bank Ltd withdrew its claims on the company as the loan amount payable to them was settled by Personal guarantors for the corporate debtor.

4. It is stated that the Liquidation of the Corporate Debtor was ordered by this Tribunal on 01.05.2023 in IA/343/CHE/2023 and the Applicant herein was appointed as the Liquidator.

5. Pursuant to the order of Liquidation, the Applicant caused the Public Announcement on 05.05.2023 in Form –B of Schedule II by inviting claims from all the stakeholders and fixed the last date for submission of claim as 31.05.2023.

6. It is stated that the liquidator sent Intimation to the Statutory Authorities via email to the Income tax department and Employee provident fund organization informing the Commencement of the Liquidation process. Liquidator had also sent Intimation to Operational creditors who had submitted their claims during CIRP.

7. It is stated that subsequent to the Public Announcement and intimation, no claims were submitted by Operational creditors who had submitted their claims during CIRP. The employee provident fund organization Regional office, Coimbatore which submitted its claim with delay during CIRP sent a notice to liquidator informing the amount due and payable by corporate debtor as on date. Hence in accordance with regulation 12(2)(c) of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 the claims

submitted by such stakeholders during the CIRP were considered and processed under liquidation process.

6. The details of Stakeholders of the Corporate Debtor were as follows:

S.No. s	Name of the Claimant	Category	Amount Admitted
			Rupees
1	Fomra Electronics Private Limited	Operational Creditor	15,01,983
2	M/s. Fomra Electrical (partnership firm)	Operational Creditor	7,28,361
3	Employees provident fund organization, Regional office - Coimbatore	Operational Creditor	76,136
	Total		23,06,480

8. It is stated that the applicant/ liquidator had constituted the Stakeholder Consultation Committee (SCC) under Regulation 31A of the IBBI (Liquidation Process) Regulations, 2016 with the following stakeholders as members of the committee:

S.No. s	Name of the Claimant	Category	Amount Admitted
			Rupees
1	Fomra Electronics Private Limited	Operational Creditor	15,01,983
2	M/s. Fomra Electrical (partnership firm)	Operational Creditor	7,28,361
3	Employees provident fund organization, Regional office - Coimbatore	Operational Creditor	76,136
	Total		23,06,480

9. It is stated that he had appointed two registered valuers for the purpose of obtaining a fresh valuation report to assess the liquidation value of the assets of the company. As per the latest valuation reports obtained from registered valuers, the assets of the Corporate Debtor have no Value. The liquidation value of the corporate debtor is NIL.

10. It is stated that the applicant has not opened liquidation bank account with any scheduled bank as the assets of the company have no realisable value.

11. It is stated that the Stakeholders consultation committee in its meeting held on 25.04.2024 has decided to file an application before

this Tribunal for dissolution of the corporate debtor, since the asset of the corporate debtor has no realizable value.

12. It is stated that the following expenses were incurred by him for the liquidation process:

Details of Cost	Amount (INR)
Public announcement expenses	12,600
Registered Valuer fee	40,000



Reimbursement to liquidator for expenses to be incurred in filing application to NCLT for dissolution of the company (including advocate fee)	47,400
Liquidator fee	1,50,000
TOTAL	2,50,000

13. It is stated that as the assets of the Corporate Debtor have no realizable value, the Liquidator requested the members of stakeholder's consultation committee to contribute for the payment of liquidation cost, but the members of the committee did not agree to contribute towards Liquidation expenses as they were unable to recover the debts and asked to recover the cost from the suspended board of directors of the corporate Debtor. Hence suspended board of directors of the corporate Debtor agreed to pay for the liquidation cost incurred by the liquidator.

14. The details of the relevant compliances as mandated under Section 54 of the IBC, 2016 read with the IBBI (Liquidation Process) Regulations, 2016 are listed hereunder:-

S. No	COMPLIANCE	AVERMENTS	PAGE NO. IN THE APPLICATION
1	Regulation 12	Public Announcement in Form B in Business Standard and Maalai Malar dated 05.05.2023	34-37
2	Regulation 35(2)	Appointment of Registered Valuers where no valuation conducted during CIRP	A fresh valuation was done during the liquidation process
3	Regulation 31(2)	List of Stakeholders within 45 days of the Liquidation Commencement Date	48-58
4	Regulation 31A	Constitution of Stakeholders Consultation Committee (SCC)	59-60
5	Regulation 13	Preliminary Report dated 22.09.2023	42-47
6	Regulation 34	Preparation of Asset Memorandum within Seventy-Five days from LCD dated 22.09.2023	47

7	Regulation 41	Opening of Bank Account in the name of the company in Liquidation in "IDBI Bank Limited"	As the corporate debtor has no realisable assets, liquidation bank account was not opened with any Bank.
8		Proof of Closure of the above Bank Account and other account in the name of the Company	N/A
9	Regulation 15	Quarterly Progress Reports and proof of filing the same before this Tribunal	61-72
10	Regulation 36	Asset Sale Reports after sale of Reports	N/A
11	Regulation 42(2)	Proof of Distribution within Ninety days from the receipt of realization	N/A
12	Regulation 45 (3)	Final report dated 20.05.2023	76-79
13	Regulation 5 (1) (e)	Compilation of Minutes of SCC	73-75
14	Regulation 15	Audited Accounts of receipts and Payments	Not applicable, as the corporate debtor has no realisable assets and also there were no realisation from avoidance transactions in the case filed under the Code. Hence no receipt and payments occurred during the liquidation period.
15	Regulation 37	Completion of Liquidation Process within one year from Liquidation Commencement Date or extension if any, date of the order & period	The process was completed within one year from Liquidation commencement
16		Form-H –Compliance Certificate	80-84

15. This Tribunal vide order dated 31.05.2024 directed the applicant to serve copy of the application to the Members of Stakeholders Consultation committee.

16. The Applicant has filed a Compliance memo wherein it has stated that the applicant has served a copy of the application to the Members of Stakeholders Consultation committee through Speed Post on 13.06.2024 and it was delivered to them on 14.06.2024.

17. We have heard Ld. Counsel for the Applicant and perused the report and synopsis filed by the Liquidator.

18. It is stated in Form H that no applications are pending before this Tribunal for avoidance, Preferential, Undervalued or Fraudulent Transactions.

19. The liquidator has filed the synopsis showing the realization and the distribution which are reproduced as under:

Realization:

10. REALIZATION.					
Sl No.	Assets	Mode of Sale	Estimated Liquidation Value	Realisation amount (In Rs.)	Date of Transfer into Liquidation Account
(1)	(2)	(3)	(4)	(5)	(6)
Not applicable, as the corporate debtor has no realisable assets. Hence no receipt and payments occurred during the liquidation period.					

Distribution:

Sl. No.	Stakeholders* under section 52 and 53 (1)	Amount Claimed	Amount Admitted	Amount Distributed	Amount Distributed to the Amount Claimed (%)	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Not applicable, as the corporate debtor has no realisable assets. Hence no receipt and payments occurred during the liquidation period.						

20. From the averments made in the Application along with the perusal of the final report and the Compliance Certificate filed in Form-H by the Applicant, it is seen that the Corporate Debtor has been completely liquidated. In the circumstances as averred and as prayed for by the Applicant, an order for dissolution is required to be passed by this Tribunal under Section 54 of the IBC, 2016. Accordingly, we order for the dissolution of the Corporate Debtor viz., ***Base Electrical and Electronic Solutions Private Limited***.

21. The Liquidator is directed to forward the copy of this Order to the RoC concerned and also to the IBBI for its records within a period of 7 days from the date of this Order.

22. In terms of the above, this IA/(IBC)/(DIS)/15/CHE/2024 stands **allowed** and IBA/1130/IB/2019 also stands **disposed of**.

23. File be consigned to records.

-Sd-

VENKATARAMAN SUBRAMANIAM
MEMBER (TECHNICAL)

SriramAnanth.V

-Sd-

SANJIV JAIN
MEMBER (JUDICIAL)