

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
NEW DELHI  
BENCH-VI**

**I.A- 6073/2022  
IN  
CP(IB)-1627/PB/2019**

*(Under Section 54 of the Insolvency and Bankruptcy Code, 2016)*

**IN THE SETTLED MATTER OF:**

LIC HOUSING FINANCE LIMITED

..... FINANCIAL CREDITOR/ APPLICANT

VERSUS

VICTORY INFRATECH PRIVATE LIMITED

.....RESPONDENT/ CORPORATE DEBTOR

**AND IN THE MATTER OF:**

MR. AISHWARYA MOHAN GAHRANA

LIQUIDATOR OF VICTORY INFRATECH PRIVATE LIMITED

..... APPLICANT/ LIQUIDATOR

VERSUS

1. REGISTRAR OF COMPANIES, NCT OF DELHI

4TH FLOOR, IFCI TOWER, NEHRU PLACE, NEW DELHI-110019

EMAIL: ROC.DELHI@MCA.GOV.IN

.....RESPONDENT NO. 1

2. THE DCIT (HIGH COURT CELL)

LAWYER'S CHAMBER, BLOCK NO. 1 ROOM NO. 428 & 429,

HON'BLE DELHI HIGH COURT, NEW DELHI- 110003

EMAIL: DELHI.DCIT.JUDICIAL.HC@INCOMETAX.GOV.IN

.....RESPONDENT NO. 2

**CORAM:**

**SHRI MAHENDRA KHANDELWAL (HON'BLE MEMBER, JUDICIAL)**

**SHRI RAHUL BHATNAGAR (HON'BLE MEMBER, TECHNICAL)**

**I.A- 6073/2022**

**in**

**CP (IB)-1627/PB/2019**

**Appearances:**

**For the Liquidator/Applicant:** Adv. Ahsan Ahmad along with Mr. Aishwarya Mohan Gahrana, Liquidator in person.

**ORDER**

**PER: MAHENDRA KHANDELWAL, MEMBER (JUDICIAL)**

**Date Of Pronouncement: 08.07.2024**

1. This is an application for dissolution of Corporate Debtor M/s Victory Infratech Private Limited that has been filed by the Liquidator under Section 54 of the Insolvency & Bankruptcy Code, 2016 read with Regulation 45(3)(b) of The IBBI (Liquidation Process) Regulations 2016 seeking dissolution of the Corporate Debtor. The prayer made by the Liquidator in the Application is as follows: -

- a. This Adjudicating Authority may kindly pass an order for dissolution of the corporate debtor, i.e., M/s Victory Infratech Private Limited (in Liquidation), as the affairs of the corporate person have been completely wound up and its assets have been fully liquidated in compliance with the provisions of the IBC Code read with IBBI Regulations;
- b. Pass such other or further order(s) which this Adjudicating Authority may deem fit and proper in the facts and circumstances of the case.

**2. The Liquidator has made the following submissions: -**

- 2.1 That a petition was filed by LIC Housing Finance Limited (Financial Creditor') under Section 7 of the Insolvency and Bankruptcy Code, 2016 read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 before this Adjudicating Authority bearing CP No (IB)-1627/(PB)/2019.
- 2.2 This Adjudicating Authority vide its order dated 21.10.2019 initiated the Corporate Insolvency Resolution Process against the corporate debtor and appointed Mr. Aishwarya Mohan Gahrana [IBBI/lPA-002/lP-N00135/2017-18/10351] as the Interim Resolution Professional in the matter.
- 2.3 That the aforementioned CIRP culminated into liquidation proceedings u/s 33 of IBC, vide order dated 1<sup>st</sup> December 2021 passed by this Adjudicating Authority in Interlocutory Application No 719/ND/2021. Vide the said order, the applicant herein was appointed as the Liquidator for conducting the liquidation proceedings.
- 2.4 That in compliance of Regulation 12 of Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 the Liquidator made the Public Announcement on 10 December 2021 in the following newspapers: -
- (i) Business Standard (English Language - New Delhi Edition)
  - (ii) Business Standard (Hindi Language - New Delhi Edition)

- 2.5 That intimation of initiation of liquidation proceeding was also sent to all statutory authorities including Insolvency and Bankruptcy Board of India and Ministry of Corporate Affairs.
- 2.6 That a liquidation account of the Corporate Debtor was opened on 25 March 2022 in the name and Style of "Victory Infratech Private Limited in Liquidation" with the ICICI Bank Limited, P63A, Alipur Road, Narela, Delhi- 110040 (1C1C0000929).
- 2.7 That claims received were collated and verified by the Liquidator and a List of Stakeholders was filed by the Liquidator along with the preliminary Report and taken on record by this Adjudicating Authority on 23 February 2022.
- 2.8 That the liquidator has filed the following progress reports in compliance with Regulation 15 of the IBB (Liquidation Process) Regulations, 2016: -
- (i) The first progress report of the liquidation process for the period from 8 December 2021 - 31 December 2021 which was taken on record by this Adjudicating Authority on 18 January 2022.
  - (ii) The second progress report of the liquidation process for the period from 1 January 2022 - 31 March 2022 which was taken on record by this Adjudicating Authority on 18 April 2022.
  - (iii) The third progress report of the liquidation process for the period from 1 April 2022 - 30 June 2022 which was taken on record by this Hon'ble Adjudicating Authority on 13 July 2022.

- (iv) The fourth progress report of the liquidation process for the period from 1 July 2022 - 30 September 2022 which was taken on record by this Adjudicating Authority on 18 October 2022.

2.9 That in compliance of Regulation 35 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, the liquidator had considered the average of the estimates of the values arrived under those provisions for the purposes of valuations of the assets of the corporate Debtor. The Corporate Debtor has no assets under the category "Plant & Machinery" and "Land & Building". As per the valuation Report, the total liquidation value of the Securities and Financial Assets was **NIL**. The valuation done by both valuers is summarized below:

Valuation of Financial Assets			
Sr. No.	Name of Valuer	Fair Value	Liquidation Value
1.	Gautam Maurya	0.00	0.00
2.	Raj Kamal Saraogi	0.00	0.00
	<b>Total</b>	<b>0.00</b>	<b>0.00</b>

2.10 That a cumulative statement of Receipts and Payments up to date of filing of the present petition has been filed along with the petition marked as Annexure A-VI.

2.11 That on CIRP of the Corporate Debtor, the following costs were incurred: -

- (i) Rs. 39,39,924.14/- was incurred as Corporate Insolvency Resolution Process (CIRP) Cost.
- (ii) Rs. 82,762.26/- as liquidation cost by the Resolution Professional/Liquidator.

2.12 It is further submitted that out of both the aforementioned CIRP expenses/costs, the secured financial creditor re-imbursed CIRP Expenses of Rs. 25,62,500.00/-.

2.13 Accordingly, the following amounts remain unpaid as follows: -

- (i) Rs. 13,77,424.14/- remains unpaid towards CIRP Cost
- (ii) Rs. 82,762.26/- remains unpaid towards liquidation cost.

2.14 That no amount has been distributed to any stakeholders because there are no asset(s) to sale and even the corporate insolvency resolution process costs and the liquidation costs have not been fully paid-off.

2.15 That the liquidator has conducted the following meeting(s) of the Stakeholders' consultation committee: -

- (i) 1<sup>st</sup> SCC Meeting on 5 April 2022.
- (ii) Second meeting of the Stakeholder's consultation committee on 17th November 2022.

2.16 It is further averred that the representative of M/s Moneywise Financial Services Private Limited, in the second meeting of the Stakeholders consultation

committee, first time raised objection on the incision of the expenses in Liquidation Cost made towards the Forensic Audit amounting to Rs. 50,000/- claiming that it should have been included in the CIRP Cost.

2.17 That no monthly remuneration was fixed for the liquidator by the committee of creditors or stakeholder's consultation committee.

2.18 That liquidation account of the Corporate Debtor which was opened on 25 March 2022 in the name and Style of 'Victory Infratech Private Limited in Liquidation' with the ICICI Bank Limited, P63A, Alipur Road, Narela, Delhi - 110040 (1C1C0000929) was finally closed on 16 November 2022.

2.19 That the Liquidator has also prepared Compliance Certificate in pursuance of Regulation 45(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 in prescribed Form-H. That the Liquidator has prepared Final Report Prior to Dissolution in pursuance of Regulation 45 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 making an account of the liquidation and showing how it has been conducted and how the corporate debtor's assets have been liquidated.

2.20 That as per regulation 44 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016, the last date of Completion of liquidation process of Corporate Debtor is 7 December 2022.

2.21 That no other assets are left for realization and the affairs of the corporate person have been completely wound up and its assets have been fully liquidated in compliance with the provisions of the IBC Code read with IBBI Regulations.

2.22 That the present application is bonafide and in the interest of justice as the corporate debtor may be dissolved.

### **ANALYSIS AND FINDINGS**

3. We have heard the submissions made by the Applicant, perused the Application filed by the Liquidator and have gone through the documents on record filed by the Liquidator. Here, it is worthwhile referring to Section 54 of IBC, 2016 and Regulation 45 IBBI (Liquidation Process) Regulations, 2016:

#### ***“Section 54 IBC-Dissolution of corporate debtor.***

*(1) Where the assets of the corporate debtor have been completely liquidated, the liquidator shall make an application to the Adjudicating Authority for the dissolution of such corporate debtor.*

*(2) The Adjudicating Authority shall on application filed by the liquidator under sub-section (1) order that the corporate debtor shall be dissolved from the date of that order and the corporate debtor shall be dissolved accordingly.*

*(3) A copy of an order under sub-section (2) shall within seven days from the date of such order, be forwarded to the authority with which the corporate debtor is registered.”*

#### **“IBBI (Liquidation Process) Regulations, 2016**



**45. Final report prior to dissolution.**

*1) When the corporate debtor is liquidated, the liquidator shall make an account of the liquidation, showing how it has been conducted and how the corporate debtor's assets have been liquidated.*

*(2) If the liquidation cost exceeds the estimated liquidation cost provided in the Preliminary Report, the liquidator shall explain the reasons for the same.*

*(3) The liquidator shall submit an application along with the final report and the compliance certificate in Form H to the Adjudicating Authority for –*

*(a) closure of the liquidation process of the corporate debtor where the corporate debtor is sold as a going concern; or*

*(b) for the dissolution of the corporate debtor, in cases not covered under clause (a)."*

4. That from the conjunct reading of the above provisions, this Adjudicating Authority is required to see whether the assets of the Corporate Debtor are completely liquidated or not. In this case, there are no assets in the possession of the corporate debtor and **nil** value has been specified as per the valuation reports. The assets have been completely liquidated and since there has been no realization thereof, no distribution of proceeds has been effectuated amongst any of the stakeholders as per Section 53 of The Insolvency and Bankruptcy Code, 2016 [Waterfall Mechanism].

5. The Liquidator has fulfilled Regulation 45 of IBBI (Liquidation Process) Regulations, 2016 and other relevant provisions of law as discussed above,

therefore we are inclined to allow the present Application to dissolve the Corporate Debtor.

6. Accordingly, there being no other impediment, the present application is **allowed** and the Corporate Debtor is ordered to be dissolved with immediate effect. The Liquidator, Mr. Aishwarya Mohan Gahrana (IBBI/IPA-002/IP-N00135/2017-18/10351) is hereby discharged from his duties as the liquidator in the present case.
7. The Registry is directed to send a copy of this order passed under Section 54(2) to the ROC Delhi & Haryana, with which the Corporate Debtor is registered and also to the Insolvency and Bankruptcy Board of India within seven days from the date of this order.
8. Application for dissolution of M/s Victory Infratech Private Limited stands **allowed**.
9. Let the copy of the order be served to the parties.

Without costs.

-SD/-  
**(RAHUL BHATNAGAR)**  
**MEMBER (TECHNICAL)**

-SD/-  
**(MAHENDRA KHANDELWAL)**  
**MEMBER (JUDICIAL)**