



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

**IA /IBC (LIQ)/ 7 (CHE) / 2024**

**IN**

**IBA/304/2020**

*(Under Section 33(2) & 34(5) of Insolvency & Bankruptcy Code, 2016 r/w Rules 11  
& 32 of NCLT Rules, 2016)*

R. Venkatakrishnan  
Resolution Professional  
IBBI/IPA-001/IP-P00115/2017-18/10250  
Rajparis Trimeni Towers"  
First Floor, 147, G N Chetty Road,  
Chennai – 600017

*...Applicant*

*In the matter of*

M/s. Star Trace Private Limited  
(CIN: U51103TN1998PTC041085)  
New no. 5, Old no. 7,  
Jeevanandham street,  
Redhill Chennai - 600 052

*... Respondent /Corporate Debtor*

*Order Pronounced on 9<sup>th</sup> August 2024*

**CORAM**

**Shri. JYOTI KUMAR TRIPATHI, MEMBER (JUDICIAL)**

**Shri. RAVICHANDRAN RAMASAMY, MEMBER (TECHNICAL)**

*For Applicant: M/s Ashwin Shanbhag*

**ORDER**

**(Heard through video conferencing)**

1. IA/IBC (LIQ)/7(CHE)2024 in IBA/304/2020 is an application filed under section 33 of the Insolvency & Bankruptcy code, 2016 (herein after termed as “the Code”) by Mr. R Venkatakrishnan RP of M/s. Star



Trace Private Limited, the Corporate Debtor (hereinafter referred as “CD”) seeking following reliefs as follows,

- a) *Pass an order under the provision of Section 33 of the Insolvency and bankruptcy Code, 2016 on the fact that there is no prospect of a Resolution Plan.*
- b) *To appoint Liquidator for the purpose of liquidation*

2. M/s. Star Trace Private Limited, the corporate debtor, was admitted to Corporate Insolvency Resolution Process, (hereinafter referred as “CIRP”) vide an order dated 09.08.2021 passed by this Adjudicating Authority. Mr.K Ganesan , was appointed as the Interim Resolution Professional of the CD, vide order dated 31.03.2022 Mr C Ramasubramaniam was appointed as RP.
3. Form the Compliance certificate (Form H) attached with the application the dates and events subsequent to initiation of CIRP of the CD is as follows,

S. No	Date	Events
1	09.08.2021	Commencement of CIRP
2	12.08.2021	Publication of Public announcement
3	31.08.2021	Constitution of Committee of Creditors (CoC) by IRP
4	07.09.2021	1 <sup>st</sup> Coc meeting
5	06.07.2023	Appointment of Registered Valuer
9	27.10.2023	Date of expiry of 180 days of CIRP
10	26.03.2024	Date of expiry of extend period of CIRP
11.	04.04.2024	Date of filing Liquidation application before this Adjudicating Authority



4. It is submitted that The Committee of Creditors at its Sixth CoC meeting held on 11th October 2023 had resolved to apply for extension of the Corporate Insolvency Resolution Process for 90 days.
5. It is submitted that the last date for submission of the resolution plan as per the FORM G is 23rd of December 2023. Resolution Plan has been received only from M/s. Thai Research Info Tech (OPC) Private limited the same was informed to the Committee of Creditors in the 9th meeting of the Committee of Creditor held on 2nd January 2024.
6. It is submitted that on evaluation of the resolution plan submitted by the resolution applicant it was seen that it was not in accordance with Section 30 of the code and the regulation provided. Hence additional details was requested vide mail dated 4th January 2024 and subsequent communication was done requesting further information.
7. It is submitted further that the RA is not disqualified under section 29A of the Insolvency and Bankruptcy Code, 2016, despite their relation to suspended directors but on evaluation of the Plan there were various information which was missing for considering the plan.
8. It is submitted further that the Resolution Applicant submitted the revised Resolution Plan vide mail dated 21st February 2024.



9. It is submitted further that the Resolution Plan cannot be taken to consideration without Bank Guarantee which is to be submitted as per clause 1.9 Bank Guarantee / Earnest money deposit to be submitted along with Resolution Plan by the Resolution Applicant
10. It is submitted that, furtherance to various reminders on the Bank Guarantee, the Resolution Applicant has kept on seeking time for submission of the Bank Guarantee. As the CIRP period of the Corporate Debtor is ending on 26th March 2024 and further extension cannot be sought, as already 90 days extension has been granted beyond 180days. The Bank Guarantee has not been given in the Resolution.
11. It is submitted that this application is being filed by the applicant pursuant to the approval of the Committee of Creditor, seeking admission of the Corporate Debtor into Liquidation proceeding under section 33 (1)(b) of the Insolvency and bankruptcy Code, 2016 as the Resolution Plan has been rejected for non-compliance of the requirement specified in RFRP.



12. It is submitted that revised list of creditors of the corporate debtor

S.no	Creditor type	Creditor name	Claim submitted by creditor	Claim admitted	% of claims
1	Financial Creditor	State Bank of India, SME Branch, Ambattur Industrial Estate	24,91,26,949	24,91,26,949	73.06%
2	Operational Creditor	Umiya Development Centre India Private Limited	11,17,89,604	7,74,25,437	22.71%
3	Operational Creditor	M/s. Rishab Reality Projects	1,44,46,527	1,44,46,527	4.24%
Total			37,53,63,080	34,09,98,913	100%

13. It is submitted that the Corporate Insolvency Resolution Process (CIRP) period of the Corporate Debtor is ending on 26th of March 2024 and since there is no prospects for resolution to initiate liquidation against the corporate debtor.

14. Heard and perused documents on record

15. As submitted by the RP that there are no prospects of resolution and the CIRP period has been expired we are of the considered opinion that Corporate debtor should be admitted to Liquidation.

16. The Applicant/RP submitted FORM-H as per Regulation 39 (4) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations 2016. The same is placed in the typed set of papers filed with the application.

17. After verifying the disciplinary status from the IBBI portal, we appoint **Mr. R. Venkatakrishnan** having **Reg. No.**IBBI/IPA-



001/IP-P00115/2017-18/10250 email id: [rvk@rvkassociates.com](mailto:rvk@rvkassociates.com)

with valid *AFA till 13.11.2024* as the Liquidator for the Corporate Debtor.

18. From the above facts and circumstances, considering the decision taken by the CoC of the Corporate Debtor, this Adjudicating Authority deems it fit to order Liquidation of the Corporate. Accordingly, we order liquidation of the Corporate Debtor by appointing the above *Mr. . R. Venkatakrishnan* as the Liquidator to carry out the liquidation process subject to the following terms/directions: -

*a) The Liquidator shall strictly act in accordance with the provisions of IBC, 2016 and the attendant Rules and Regulations including Insolvency and Bankruptcy (Liquidation Process) Regulations, 2017 as amended up to date enjoined upon him.*

*b) The Liquidator shall issue the public announcement that the Corporate Debtor is in liquidation. In relation to officers/ employees and workers of the Corporate Debtor, taking into consideration Section 33(7) of IBC, 2016, this order shall be deemed to be a notice of discharge.*

*c) The Liquidator shall investigate the financial affairs of the Corporate Debtor particularly, in relation to preferential transactions/ undervalued transactions and such other like transactions including fraudulent preferences and file a suitable application before this Adjudicating Authority.*

*d) The Registry is directed to communicate this order to the Registrar of Companies, Chennai and the Insolvency and Bankruptcy Board of India;*

*e) In terms of section 178 of the Income Tax Act, 1961, the Liquidator shall give necessary intimation to the Income Tax Department. In relation to other fiscal and regulatory authorities which*



*govern the Corporate Debtor, the Liquidator shall also duly intimate about the order of liquidation.*

*f) The order of Moratorium passed under Section 14 of the Insolvency and Bankruptcy Code, 2016 shall cease to have its effect and a fresh Moratorium under Section 33(5) of the Insolvency and Bankruptcy Code shall commence.*

*g) The Liquidator is directed to proceed with the process of liquidation in a manner laid down in Chapter III of Part II of the Insolvency and Bankruptcy Code, 2016.*

*h) The Liquidator is directed to investigate the financial affairs of the Corporate Debtor in terms of the provisions of Section – 35(1) of IBC, 2016 read with relevant rules and regulations and also file its response for disposal of any pending Company Applications during the process of liquidation.*

*i) The Liquidator shall submit individual Preliminary report to this Tribunal within 75 (seventy-five) days from the liquidation commencement date as per Regulation 13 of the Insolvency and Bankruptcy (Liquidation Process) Regulations, 2016. Further such other or further reports as are required to be filed under the relevant Regulations, in addition, shall also be duly filed by him with this Adjudicating Authority.*

19. Copy of this order be sent to the financial creditors,

Corporate Debtor and the Liquidator for taking necessary steps

and for extending the necessary cooperation in relation to the

Liquidation process of the Corporate Debtor.

20. With the above directions, **IA/IBC(LIQ)/7(CHE)/2024** in

**IBA/304/2020** stands allowed and disposed of.

**-SD-**

**RAVICHANDRAN RAMASAMY**  
**MEMBER (TECHNICAL)**

**-SD-**

**JYOTI KUMAR TRIPATHI**  
**MEMBER (JUDICIAL)**