



R.K.BHUTA&Co.

Chartered Accountants | Insolvency Professionals

CA Rajendra K. Bhuta

21st

Date: 21st June, 2018

To,

National Stock Exchange of India Ltd.,
NSE - Corporate Office
Exchange Plaza, C-1, Block G,
Bandra Kurla Complex,
Bandra (E)
Mumbai – 400 051

Ref : CIN - L27203WB2004PLC170941

In the matter of M/s Ess Dee Aluminium Limited

This is to inform you we have been appointed as Interim Resolution Professional in the matter of M/s Ess Dee Aluminium Limited.

In the matter of M/s Ess Dee Aluminium Limited before the National Company Law Tribunal, Kolkata, C. P. (IB) No. 157/KB/2018 the order dated 18th June, 2018 has been passed in respect of petition under section 9 by the Operational Creditor M/s. Cytech Coatings Private Limited. Copy of NCLT order attached.

A public announcement under regulation 6 of Insolvency and Bankruptcy Board of India (Insolvency resolution process for corporate person) regulation, 2016 read with Section 15 of under Insolvency & Bankruptcy Code 2016 was made in English newspaper "Darpan of India" and Bengali newspaper "Durantra Batra" on 21st June, 2018. Copy of Public announcement attached for your information.

Thanking you,

For R K Bhuta & Co.

Rajendra K. Bhuta
Insolvency Professional

IBBI/IPA-001/IP-P00141/2017-18/10305



FORM A
PUBLIC ANNOUNCEMENT

[Under Regulation 6 of the Insolvency and Bankruptcy Board of India
 (Insolvency Resolution Process for Corporate Persons) Regulations, 2016]

FOR THE ATTENTION OF CREDITORS OF
ESS DEE ALUMINIUM LIMITED

Sr.No.	Relevant Particulars	
1	Name of Corporate Debtor	ESS DEE ALUMINIUM LIMITED
2	Date of incorporation of corporate debtor	February 10, 2004
3	Authority under which corporate debtor is incorporated/registered	Registrar of Companies (Kolkata) under the Companies Act, 1956
4	Corporate identity number / limited liability identification number of corporate debtor	L27203WB2004PLC170941
5	Address of the registered office and principal office (if any) of the corporate debtor	Registered Office: 1, Sagore Dutta Ghat Road, Kamarhati, Kolkata, WB – 700058 Regional Office: ESS DEE House, Akurli Road, Kandivali East, Mumbai - 400001
6	Insolvency commencement date	June 18, 2018
7	Estimated date of closure of insolvency resolution process.	180 days from the commencement of resolution process which is December 15, 2018
8	Name, address, email address and the registered number of interim resolution professional	Rajendra K. Bhuta @ (essdee.ip@gmail.com) 1207 Yogi Paradise, Yogi Nagar, Borivali (W), Mumbai - 400092. *Add. Office: 303 Raghuvir Tower, Chamunda Circle, Borivali (W) Mumbai 400092. Registration no.: IBBI/IPA-001/IP-P00141/2017-18/10305
9	Last date of submission of claims	July 04, 2018

Notice is hereby given that the National Company Law Tribunal has ordered the commencement of a corporate insolvency resolution process in the matter of Ess Dee Aluminium Ltd. on June 18, 2018

The creditors of Ess Dee Aluminium Ltd, are hereby called upon to submit a proof of their claims on or before July 04, 2018 to the Interim Resolution Professional at the *add. Office address mentioned against item 8.

The financial creditors shall submit their proof of claims by electronic means

(অধীন ধারা ৬ পরিশোধে অক্ষম এবং দেউলিয়া বোর্ড ভারতের
(পরিশোধে অক্ষমতার সমাধান পদ্ধতি কর্পোরেট ব্যক্তিদের) ধারা, ২০১৬)
ঋণদাতাদের মনোযোগ আকর্ষণ করা যায়
ইএসএস ডিইই অ্যালুমিনিয়াম লিমিটেড

ক্রম নং.	প্রাসঙ্গিক বিবরণী	
১.	কর্পোরেট ঋণগ্রহীতার নাম	ইএসএস ডিইই অ্যালুমিনিয়াম লিমিটেড
২.	কর্পোরেট ঋণগ্রহীতার নিগম তারিখ	১০ ফেব্রুয়ারি, ২০১৪
৩.	কর্পোরেট ঋণগ্রহীতার নিগম/রেজিস্টার যে সংস্থার অধীন	কোম্পানি রেজিস্টার (কলকাতা) অধীন কোম্পানি আইন, ১৯৫৬
৪.	কর্পোরেট আইডেন্টিফিকেশন নাম্বার/সীমিত দায়বদ্ধতা চিহ্নিত নাম্বার কর্পোরেট ঋণগ্রহীতার	L27203WB2004PLC170941
৫.	কর্পোরেট ঋণগ্রহীতার রেজিস্টার অফিস অথবা প্রধান অফিস (যদি থাকে)-র ঠিকানা	রেজিস্টার অফিস : ১, সাগর দত্ত ঘাট রোড, কামারহাটি, কলকাতা, প.ব.-৭০০০৫৮ আঞ্চলিক অফিস : ইএসএস ডিইই হাউস, আকুরালি রোড, কান্দিভালি পূর্ব, মুম্বই-৪০০০০১
৬.	পরিশোধ অক্ষমতা শুরুর তারিখ	১৮ জুন, ২০১৮
৭.	পরিশোধ অক্ষমতা সমাধান পদ্ধতির সমাধানের আনুমানিক তারিখ	১৫ ডিসেম্বর, ২০১৮ সমাধান পদ্ধতি শুরুর ১৮০ দিনের মধ্যে
৮.	নাম, ঠিকানা, ই-মেল এবং রেজিস্টার নাম্বার অন্তর্ভুক্ত সমাধান পদ্ধতির আধিকারিক	রাজেন্দ্র কে. ভুটা @ (essdee.ip@gmail.com) ১২০৭ যোগী প্যারাদাইস, যোগী নগর, বোরিভালি (প), মুম্বই-৪০০০৯২। যোগাযোগ অফিস : ৩০৩, রঘুবীর টাওয়ার, চামুণ্ডা সার্কেল, বোরিভালি(প) মুম্বই-৪০০০৯২ রেজিস্টার নং: IBBI/IPA-001/IP-P00141/2017-18/10305
৯.	দাবী জমা করার শেষ তারিখ	০৪ জুলাই, ২০১৮

এতদ্বারা জানানো যায় যে জাতীয় কোম্পানি আইন ট্রাইবুনাল আদেশ দিয়েছে কর্পোরেট পরিশোধ অক্ষমতা সমাধান পদ্ধতি শুরু হয়েছে ইএসএস ডিইই অ্যালুমিনিয়াম লিমিটেড-এর ১৮জুন, ২০১৮ থেকে।

ইএসএস ডিইই অ্যালুমিনিয়াম লি.-এর ঋণদাতাদের জানানো যায় তাদের দাবীর ভিত্তিতে প্রমাণ জমা করার জন্য ০৪জুলাই, ২০১৮ এর পূর্বে অন্তর্ভুক্ত সমাধান পদ্ধতির যোগাযোগ অফিসে যা চনং. বিবরণীতে উল্লেখিত।

আর্থিক ঋণদাতাদের দাবীর ভিত্তিতে প্রমাণ জমা করতে হবে বৈদ্যুতিনভাবে। অন্যান্য ঋণদাতারা জমা করতে পারেন দাবীপত্র স্বহস্তে, পোস্টে বা বৈদ্যুতিনভাবে।

ভুল বা অসঙ্গতিপূর্ণ দাবীপত্র জমা করলে জরিমানা হতে পারে।

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
KOLKATA BENCH
KOLKATA**

C.P.(IB) No.157/KB/2018

**Coram: Mr. Jinan K.R., Member (Judicial)
Mr. Madan B. Gosavi, Member (Judicial)**

In the matter of:

An application under Section 8 and 9 of the Insolvency and Bankruptcy Code, 2016 read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

In the matter of:

CYTECH COATINGS PRIVATE LIMITED, a private limited Non-Government Company, limited by shares registered under the provisions of the Companies Act, 1956 bearing CIC: u24223gj2009ptc056593, having its registered office Plot No.C-1/3321/3223/1, G.I.D.C., Sarigam – 396 155 Tal: Umbergaon, Dist. Valsad in the state of Gujarat with office at 2, Garstin Place, 4th Floor, Kolkata, 700 001.....the aforesaid jurisdiction.

... Applicant / Operational Creditor
Versus

In the matter of:

ESS DEE ALUMINIUM LIMITED, a limited Non-Government Company, limited by shares registered under the provisions of the Companies Act, 1956 bearing CIC: I27203wb2004plc170941 having its registered office at 1, Sagore Dutta Ghat Road, Kamarhti, Kolkata 700 058, West Bengal and regional office at ESS DEE House, Akurli Road, Kandivali (E), Mumbai, 400 001 in the state of Maharashtra the aforesaid jurisdiction.

Respondent / Corporate Debtor

Counsel on Record:

Mr. Sweta Gandhi, Advocate] For the Applicant / Operational Creditor
Md. Minhajuddin, Advocate]

Date of Pronouncement of Order : 18th June, 2018

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ORDER

Per Shri Madan B. Gosavi., Member (Judicial)

1. This is an application filed by Cytech Coatings Private Limited / Operational Creditor under Sec.9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the I & B Code) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules 2016 for initiating Corporate Insolvency Resolution Process for default in payment of an amount of Rs.16,79,10400/- (Rupees Sixteen Lakhs Seventy nine Thousands One hundred only) against the respondent Company / Corporate Debtor ESS DEE Aluminium Limited.
2. Brief facts, for determination of the point to be considered in this petition are as follows: -
3. Applicant / operational creditor has stated that it has supplied ink as per specification and the order placed by the Corporate Debtor. Various invoices were raised against the purchase order towards payment of the above amount, the Corporate Debtor issued in its favour a cheque for a sum of Rs.4,63,590/- (Rupees Four Lakhs Sixty-three Thousand Five Hundred only) but it was dishonoured on 21.03.2016. A criminal case has already been filed under Section 138 / 142 of the Negotiable Instruments Act, 1881 against the Corporate Debtor. The Corporate Debtor was required to clear the dues by 26.12.2017 but since they defaulted in payment of above dues, demand notice dated 22.02.2017 under Section 8 of the I&B Code 2016 was sent and served on the Corporate Debtor. In spite of receipt of demand notice, the amount has not been paid and no dispute is raised against the amount by the Corporate Debtor. Hence, the

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instant application has been filed under Section 8 and 9 of the I&B Code, 2016 against the Corporate Debtor.

4. Notice of this petition was sent to the Corporate Debtor, by registered post. As those notice could not be served, this Adjudicating Authority directed the operational creditor to publish the notice of this petition in one English Language newspaper and one Regional Language newspaper which have wide circulation in the city of Kolkata. Accordingly, notice was published in Business Standard dated 21st May 2018 and in Aajkal on 21.05.2018.
5. Despite publication of notice against the Corporate Debtor, no one appeared on its behalf. Hence, this Adjudicating Authority by an order dated 12.06.2017 directed that CIRP process should proceed against the Corporate Debtor ex-parte.
6. Before admitting this petition for CIRP, we have perused the record so as to satisfy ourselves whether the statutory compliance is being made by the Operational Creditor so as to maintain this petition. We find that the petition is filed by one Shri Ramakant R. Shukla, General Manager of M/s Cytech Coatings Private Limited – the Operational Creditor and he was duly authorized by the Company by Board Resolution dated 19.03.2016. All invoices on the basis of which the claim is set up are also produced on record for our perusal. We find that before filing this petition, the operational creditor has sent notice under Section 8 dated 23.09.2017 to Corporate Debtor and it was duly served on Corporate Debtor. We also find that the Operational Creditor has filed on record the affidavit stating that despite of receipt of demand notice by the Corporate Debtor, the Corporate Debtor did not raise any defence about the previous dispute in respect of this transaction and thereby the compliance of provisions of Section 9 (b) (2) of the I&B Code 2016 has been made. The Operational Creditor also

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produced on record the certificate issued by Dena Bank stating that no transaction of debit or credit has been reflected in the account maintained by the Operational Creditor for the period in between 13.09.2017 to 26.12.2017 relating to M/s ESS DEE Aluminium Limited i.e. the Corporate Debtor. We find that the Operational Creditor has complied with the provisions of Section 9 (3) (c) of the I&B Code, 2016.

8. We have perused the consolidated statement of accounts filed by the Operational Creditor. It shows that the Operational Creditor was to receive an amount of Rs.16,79,104.00 on or before 16.03.2016 i.e. the date on which the cheque drawn by Corporate Debtor in favour of Operational Creditor for paying part of the dues, was dishonoured by his Banker. Hence, the debt is not time barred.

9. As already pointed out, the petition is not contested by Corporate Debtor. They did not enter appearance in this proceeding despite notice by way of newspaper publication. The Operational Creditor has complied with all other statutory requirements for maintaining this petition. Hence, we admit this petition and initiate Corporate Insolvency Resolution Process against the Corporate Debtor ESS DEE Aluminium Limited herein. For the aforesaid reasons, this application is admitted upon the following orders:

ORDER

- (i) The application filed by the Operational Creditor under Section 9 of the Insolvency & Bankruptcy Code, 2016 is hereby admitted for initiating the Corporate Resolution Process. Moratorium order is passed for a public announcement as stated in Sec.13 of the IBC, 2016.

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- (ii) The moratorium is declared for the purposes referred to in Section 14 of the Insolvency & Bankruptcy Code, 2016. The IRP shall cause a public announcement of the initiation of Corporate Insolvency Resolution Process and call for the submission of claims under Sec.15. The public announcement referred to in clause (b) of sub-section (1) of Insolvency & Bankruptcy Code, 2016 shall be made immediately.
- (iii) Moratorium under Sec.14 of the Insolvency & Bankruptcy Code, 2016 prohibits the following:
 - a) The institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgement, decree or order in any court of law, tribunal, arbitration panel or other authority;
 - b) Transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
 - c) Any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);
 - d) The recovery of any property by an owner or lessor where such property is occupied by or in possession of the corporate debtor.
 - e) The supply of essential goods or services to the Corporate Debtor as may be specified shall not be terminated or suspended or interrupted during the moratorium period.

f) The provisions of sub-section (1) shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

g) The order of moratorium shall be effective from the date of admission till the completion of the Corporate Insolvency Resolution Process.

Provided that where at any time during the corporate insolvency resolution process period, if the Adjudicating Authority approves the resolution plan under sub-section (1) of Sec.31 or passes an order for liquidation of corporate debtor under Sec.33, the moratorium shall cease to have effect from the date of such approval or liquidation order, as the case may be.

- (iv) Necessary public announcement as per Sec.15 of the IBC, 2016 may be made by the resolution professional upon receipt of the copy of this order.
- (v) Mr. Rajendra Karanmal Bhutta (Mobile No.9820026893) e-mail: rkbhuta@gmail.com address: 1207, Yogi Paradise, Yogi Nagar, Borivali (West) Mumbai 400 092 (Maharashtra) registered with the ICSI Insolvency Professionals Agency having Registration No. IBBI/IPA-001/IP-P000141/2017-18/10305 is appointed as Interim Resolution Professional for ascertaining the particulars of creditors and convening a meeting of Committee of Creditors for evolving a resolution plan.
- (vi) The Interim Resolution Professional should convene a meeting of the Committee of Creditors and submit the resolution passed by the Committee of Creditors.

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Registry is hereby directed to communicate the order to the Operational Creditor, Corporate Debtor and to the Interim Resolution Professional.

Interim Resolution Profession to file Progress Report and Plan before completion of 105 days from the date of this order.

Let the certified copy of the order be issued upon compliance with requisite formalities

List the matter on **18th July, 2018** for filing progress report / resolution plan.

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^{18/}
(Jinan K.R.)
Member (J)

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^{18/7/2018}
(Madan B. Gosavi)
Member (J)

Signed this day of 18th June, 2018.

PS_Aloke