



**IN THE NATIONAL COMPANY LAW TRIBUNAL
HYDERABAD BENCH - II**

**IA No.215 of 2023
in
CP(IB) No.132/7/HDB/2019**

*[Under Regulation 45(3)(a) of IBBI (Liquidation Process) Regulations, 2016 for
closure of the Liquidation Process of the Corporate Debtor]*

Nethi Maallikarjuna Setty
Liquidator of M/s.ICSA (India) Limited

... Applicant

Date of Order: 07.02.2023

Coram:

Hon'ble Justice Smt. Telaprolu Rajani, Member (Judicial)
Hon'ble Shri Charan Singh, Member (Technical)

Parties / Counsels Present:

For the Petitioner
Liquidator

: Mr.Nethi Mallikarjuna Setty,

FREE OF COST COPY

[PER : BENCH]

**CERTIFIED TO BE TRUE COPY
OF THE ORIGINAL**

ORDER

- I. This is an application filed by the Liquidator of M/s.ICSA (India) Limited under Regulation 45(3)(a) of IBBI (Liquidation Process) Regulations, 2016 praying for closure of the Liquidation Process of the Corporate Debtor.

II. The gist of the Application is –

- a) In IA No.579/2020, the Adjudicating Authority, vide Order dated 18.08.2020 passed for Liquidation of ICSA (India) Limited/Corporate Debtor by appointing the Applicant herein as Liquidator.
- b) After completion of verification of claims and finalisation of list of admissible claims, Stakeholders' Consultation Committee, for short 'SCC', has been formed.
- c) As per the recommendations of SCC in its 2nd meeting held on 13.01.2021, the following assets are relinquished in favour of liquidation estate:
 - i. Piece meal sale of assets.
 - ii. Sale of land admeasuring 6 acres & 5 guntas situated at Survey No.232, Yadagirigutta after completion of mutation process and a Benz Car by giving paper advertisement.
 - iii. Dry land of 159.18 acres situated at Yerragundapalem, Prakasam District is not saleable because of prohibitory orders of CID, Vijayawada. Hence, with a subjective clause, it is decided to advertise it for sale.



7/10/23

- d) The charge of assets-windmills located at Tamilnadu and Karnataka is not relinquished by the Financial Creditor, Union Bank of India (erstwhile Andhra Bank) (subsequently, windmills at Tamilnadu were sold by the Union Bank of India, themselves)
- e) The State Highway Authorities have acquired 26.06 guntas of Yadagirigutta land for Highway expansion and thus 6 acres and 5 guntas of land is reduced to saleable land of 5 acres and 18.94 guntas and completed the mutation in favour of the Corporate Debtor on 01.10.2021.
- f) Two Valuers have given Valuation Reports in respect of Yadagirigutta land of 5 acres and 18.94 guntas. The fair value of the land is Rs.922.28 lakhs and liquidation value is Rs.691.71 lakhs.
- g) The Liquidator has realized a sum of Rs.1.70 crores stuck up with ICICI Bank Escrow Account due to dispute with Department of Power, Arunachal Pradesh. As on 20.12.2021, there is a bank balance of Rs.1,65,83,803/- after accounting for liquidation expenses of Rs.11,96,748/-.



h) In the 7th Meeting of SCC held on 15.02.2022, the Members of SCC have resolved to bring down the reserve price since there was no response to earlier two Sale Notices and reissue Sale Notice.

i) The Sale Notice was issued and the Successful Bidders are M/s.Hyderabad Bottling Company Private Limited, for land for Rs.900 lakhs and Mr.Y.V.Ramanareddy for Benz Car for Rs.3.05 lakhs.

A copy of the Letter of Intent is filed at page nos. 14 to 15 of the application.

j) The Financial Creditor, Union Bank of India (erstwhile Andhra Bank have informed that out of the assets held on charge by them, the property located in Tamilnadu has been sold.

k) A sum of Rs.10,73,16,372 has been realized both on sale of assets and realization of Performance Bank Guarantee (ICICI Bank). After meeting liquidation expenses and Liquidator fee, secured creditors have been paid, retaining balance for future expenses.

l) In accordance with the resolution in the 9th SCC Meeting held on 26.07.2022, E-Auction Sale Notice was issued on 13.09.2022 for sale of the Company



name/goodwill (going concern basis), in which, Mr.Byndia Srinivas, Hyderabad is the Successful Bidder with bid amount of Rs.30,90,000/-.

m)The Applicant had filed an IA 1262/2022 seeking to extend the time for completion of liquidation process, which was extended upto 03.02.2023, vide Order dated 14.11.2022. A copy of the order is filed at page no.16 of the application.

n) In the 10th SCC Meeting held on 11.01.2023, the Members have resolved to declare completion of Liquidation Process of the Corporate Debtor and filed the instant application. A copy of the Minutes of 10th SCC Meeting held on 11.01.2023 is filed at page nos.17 to 23 of the application.



o) The receipts and payments during the liquidation process period were duly audited and the Compliance Certificate in Form-H for the closure of the Liquidation Process of the Corporate Debtor was submitted.

III. We have heard the Liquidator and perused the application filed by the Liquidator. He has filed necessary documents along with the application. The Final report and Form-H is

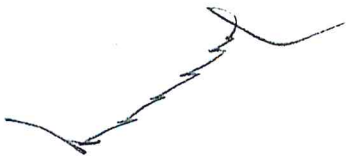
filed at page nos.24 to 39 of the application. This IA is filed under Regulation 45 (3) (a) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 praying the Adjudicating Authority to order for closure of the liquidation process of the Corporate Debtor Company as liquidation process is complete. The said provision reads as under:-

“Regulation 45 (3) (a): Final report prior to dissolution.

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

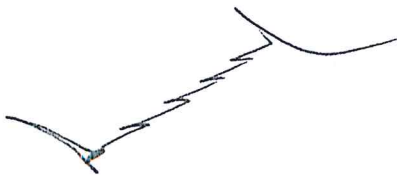
(a) closure of the liquidation process of the corporate debtor where the corporate debtor is sold as a going concern;

- IV. The Liquidator would contend, pursuant to public announcement, M/s.Hyderabad Bottling Company Private Limited, for land for Rs.900 lakhs, Mr.Y.V.Ramanareddy for Benz Car for Rs.3.05 lakhs were declared as Successful Bidders and Mr. Byndia Srinivas, Hyderabad was declared as Successful Bidder for sale of the Company as a going concern basis with bid amount of Rs.30,90,000/-.
- V. On going through the facts aforementioned and the material placed along with the Application, it is evident that the assets of the Corporate Debtor were sold to the Successful



Bidders supra. It is seen from Form-H that the amount of Rs.10,23,89,263/- realized from the sale of Liquidation Estate was distributed among the stakeholders as per Section 52 or 53 of the Code. A copy of the Auditor Certificate is filed at page nos.40 to 51(a) of the application. The details of distribution is at page nos. 28 to 29 of the Final Report. Further, by going through the Final Report, it is evident that the Liquidator has sold the Corporate Debtor as a going concern as such it is a fit case for closure of Liquidation process.

- VI. As a sequel to the above, we hereby order closure of the Liquidation proceedings against the Corporate Debtor viz. **M/s.ICSA (India) Limited** from the date of this Order, in terms of Regulation 45 (3) of Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016. Consequently, the Liquidator stands relieved.
- VII. The Liquidator is directed to send the copy of this Order within 7 days from the date of pronouncement to the Registrar of Companies, Hyderabad and hand over all the books and files of the Corporate Debtor **M/s. ICSA (India) Limited** which are in possession of the Liquidator to the successful bidder.



VIII. The Registry is directed to communicate this order to the Registrar of Companies, Hyderabad for updating the master data.

IX. A copy of this order be also forwarded to the Insolvency & Bankruptcy Board of India, New Delhi.

X. Accordingly, **IA No. 215 of 2023 in CP(IB) No.132/7/HDB/2019 is allowed and stands disposed of.**

CHARAN SINGH
MEMBER (TECHNICAL)

Syamala

JUSTICE TELAPROLU RAJANI
MEMBER (JUDICIAL)



Deputy Registrar / Assistant Registrar / Court Officer
National Company Law Tribunal, Hyderabad Bench

प्रमाणित प्रति
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केस संख्या
CASE NUMBER... **CP(IB) No. 132/7/HDB/2019**
निर्णय का तारीख
DATE OF JUDGEMENT... **7/2/2023**
प्रति तैयार किया गया तारीख
COPY MADE READY ON... **10/2/23**