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24/06/19

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BEFORE THE ADJUDICATING AUTHORITY  
(NATIONAL COMPANY LAW TRIBUNAL)  
AHMEDABAD BENCH  
AHMEDABAD

IA 254 of 2019 in/with C.P. (I.B) No. 128/NCLT/AHM/2017

Coram: Hon'ble Mr. HARIHAR PRAKASH CHATURVEDI, MEMBER JUDICIAL  
Hon'ble Ms. MANORAMA KUMARI, MEMBER JUDICIAL

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 17.06.2019

Name of the Company: Ramchandra D. Choudhary Resolution Professional  
of Varia Aluminium Pvt. Ltd.  
V/s.  
Varia Aluminium Pvt. Ltd. & Ors.

Section of the Companies Act: Section 33(1), 33(2) & 34(1) of the Insolvency &  
Bankruptcy Code

S.NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE

1. NATASHA DHIRUMAN SHAH ADV. APPLICANT *Natasha*  
2.

**ORDER**

The Applicant is represented through their respective Learned Counsel(s).

- 1) The instant application is filed under Section 33(1) of the Insolvency and Bankruptcy Code on behalf of the Resolution Professional with such prayer, to pass an order under Section 33(1) & 33(2) of the Insolvency and Bankruptcy Code for the liquidation and also pass an order under Section 34(1) of the Code for an appointment of the Liquidator for the Corporate Debtor Company i.e. Varia Aluminium Pvt. Ltd., having registered office with the ROC, Ahmedabad, Gujarat, seeking liquidation of the Company.
- 2) This Adjudicating Authority on the basis of petition filed by the Varia Aluminium Pvt. Ltd., (Corporate Debtor) under Section 7 of the Code, commenced the CIRP by appointing IRP.
- 3) The COC in its 12<sup>th</sup> meeting held on 09.04.2019 resolved to liquidate the company, the said fact is reflected in agenda item B-2 page no. 150. It is submitted that the

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*Handwritten Signature*  
Deputy Registrar  
NCLT, Ahmedabad Bench  
Ahmedabad



vs

company, has not received any resolution plan therefore, the member of COC decided to recommend for liquidation of the corporate Debtor/company and accordingly passed a resolution to go for the liquidation and further resolved to keep continue the resolution professional Mr. R. D. Choudhary as a liquidator as reflected Agenda Item B-3 page no. 151 of the application.

- 4) It is also submitted that Corporate Insolvency Resolution Process is expired on 28.11.2017.
- 5) We Perused the contents of the application along with records annexed therewith and the grounds mentioned in application this Adjudicating Authority is of a considered view that a liquidation order may be passed in respect of Corporate Debtor viz. Varia Aluminium Pvt. Ltd. since, there is a 100% voting of the members of the COC favouring liquidation process as reflected at page no. 153 of the application. In view of the above, it is hereby directed that the liquidator shall issue notice for public announcement stating that the Corporate debtor is under liquidation.
- 6) This Adjudicating Authority is hereby appointed the Resolution Professional as 'Liquidator' under Section 34(1) of the Code. The Liquidator shall send an intimation to the Registrar of Companies with which the Corporate Debtor Company is registered.
- 7) The liquidator shall act as per Section 35 of Insolvency and Bankruptcy Code, 2016, subject to directions of this adjudicating Authority.

Hence, IA No. 254 of 2019 is allowed and stands disposed of accordingly.

*Manor*

MANORAMA KUMARI  
MEMBER (JUDICIAL)

Dated this the 17th day of June, 2019.

*Harihar*  
HARIHAR PRAKASH CHATURVEDI  
MEMBER (JUDICIAL)

