

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**JAIPUR BENCH (RAJASTHAN)**

**CP No. (IB)-157/7/JPR/2019**

**CORAM: DR. POONDLA BHASKARA MOHAN, HON'BLE  
MEMBER (Judicial)**

**SHRI RAGHU NAYYAR, HON'BLE MEMBER  
(Technical)**

**IN THE MATTER OF SECTION 7 OF IBC, 2016.**

**IN THE MATTER OF:**

**STCI FINANCE LIMITED  
A/B I-802, A-Wing, 8<sup>th</sup> Floor,  
Marathon Innova, Marathon Nextgen  
Compound, Off. Ganpatrao Kadam Marg,  
Lower Parel(W), Mumbai - 400013**

**...FINANCIAL CREDITOR/APPLICANT**

**VERSUS**

**BOHRA INDUSTRIES LIMITED  
301, Annad Plaza, University Road,  
Udaipur- 313001 (Rajasthan)**

**...CORPORATE DEBBTOR/RESPONDENT**

**FOR PETITIONER (S) : PRADEEP DAHIYA, ADV.**

**FOR RESPONDENT(S) : SAURABH DUBEY, ADV.**

STCI Finance Limited  
Vs.  
Bohra Industries Limited



**ORDER PRONOUNCED ON: -07.08.2019**

**ORDER**

1. This application is filed by STCI Finance Limited, (for brevity “Applicant”), claiming to be a Financial Creditor, through its Assistant General Manager Mr. Rajesh Khanna who is duly authorized vide board resolution dated 09.08.2017 to file this application against the Corporate Debtor, Bohra Industries Limited (for brevity “Corporate Debtor”) under Section 7 of the Insolvency and Bankruptcy Code, 2016 (IBC, 2016) read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 seeking initiation of the Corporate Insolvency Resolution Process (CIRP), pursuant to default in repayment of loan amount by the Corporate Debtor to the Applicant.
2. The Applicant is a Public Limited Company, incorporated under the Companies Act, 1956 on 10.05.1994 and duly registered with the Registrar of Companies, Mumbai having CIN U51900MH1994PLC078303. The Registered Office of the company is at A/B 1-802, A Wing 8th Floor, Marathon Innova, Marathon Nextgen Compound, Off. G.K. Marg, Lower Parel (W), Mumbai Maharashtra (400013).
3. The Corporate Debtor is a Public Limited company, incorporated under the Companies Act, 1956 on 28.11.1996 and duly registered with the Registrar



of Companies, Jaipur having CIN: L24117RJ1996PLC012912. The company is having Registered Office at 301, Annad Plaza, University Road, Udaipur- 313001 (Rajasthan). The authorized share capital of the company is Rs. 20,00,00,000/- (Twenty Crores Only) and paid up share capital of Rs. 15,24,10,130/- (Fifteen Crore Twenty-Four Lakhs Ten Thousand and One Hundred and Thirty Only).

4. It is stated that the Corporate Debtor has availed financial facility and had entered into a Loan Agreement dated 21.12.2017, whereby a loan amount of Rs. 24,00,00,000/- (Rupees Twenty Four Crore Only) was disbursed by the Applicant to the Corporate Debtor for a tenure of six years against mortgage of various properties detailed in Letter of Intent dated 15.11.2017 and the Corporate Debtor was under obligation to pay the interest @12.60% p.a. with monthly rests and the principal loan amount was to be repaid in 66 equal monthly instalments. The said loan was sanctioned to refinance the loan taken from Religare Finvest Limited an amount of Rs. 2,50,00,000 (Rupees Two Crore Fifty Lakhs Only) and from Capital First Limited an amount of Rs. 9,50,00,000/- (Rupees Nine Crore Fifty Lakhs Only) and for augmentation of long-term working Capital of Rs. 12,00,00,000/- (Rupees Twelve Crore Only). The Corporate Debtor and Applicant have entered into various Agreements in terms of Loan Agreement which includes Demand Promissory Note dated 21.12.2017 in favour of applicant to pay loan amount



along with interest and Deed of Guarantees dated 21.12.2017 by Bohra Pratisthan Private Limited and Mr. Hemant Bohra and Mrs. Beena Bohra respectively.

5. It is further stated that the after availing credit facility, the account of Corporate Debtor continued to be irregular. The Applicant made repeated request and demands to the Corporate Debtor for payment of the outstanding amounts but Corporate Debtor was negligent and irregular in this regard. Thus, the account of the Corporate Debtor was declared as NPA on 22.02.2019 as per norms and guidelines issued by the Reserve Bank of India and also served notice for the default dated 22.02.2019. The Applicant has also issued recall notice dated 12.04.2019 under Section 13(2) of the SARFAESI Act, 2002 recalling the loan of Rs. 23,95,57,719/-. Despite the notice being duly served, the Corporate Debtor did not reply.
6. As a consequence, this application was filed. As claimed by the applicant, the Corporate Debtor is liable to pay an amount Rs. 24,61,42,101/- as on 22.02.2019 as an outstanding amount, as reflected in Part IV of the Form- 1 filed.

S. no.	Particulars of Financial Debt	
1.	Total amount of debt granted.	Rs. 24 Crores

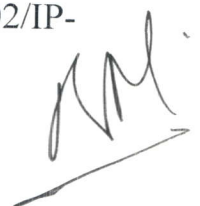



2.	Amount claimed to be in default and the date on which the default occurred	<p>The account of Corporate Debtor was declared as NPA on 22.02.2019. Corporate Debtor is liable to pay an amount of Rs. 24,61,42,101/- inclusive of the following:</p> <ul style="list-style-type: none"> <li>• Principal amount i.e. Rs. 22,54,54,545,</li> <li>• Interest ( upto 13.05.2019) i.e. Rs. 1,79,80,941/- and</li> <li>• TDS amount as on 13.05.2019 i.e. Rs 27,06,615/- along with further interest at contractual rate and cost/charges as per the facility documents.</li> </ul>
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7. The Respondent has filed a reply stating that it is admitting the claim of Rs. 24,61,42,101/- made by the petitioner in its petition (Form-1) filed under Section 7 of IBC, 2016. The respondent further admits that due to some financial crisis, it was heavily indebted and it was hardly possible to afford and keep up with the financial obligation. In view of admission and the commitment made in the reply, the Corporate Insolvency Resolution Process can be initiated against the Corporate Debtor.
8. This Tribunal perused all the relevant papers and found them to be in order. The Registered Office of Corporate Debtor is situated in Jaipur and therefore this Tribunal has jurisdiction to entertain and try this Application. The matter is within the limitation period as enunciated under the Law of Limitation.




9. The Applicant has named the Interim Resolution Professional (IRP), to be appointed by the order of Tribunal, one Mr. Naresh Verma having Registration Number IBB/IPA-002/IP-N00054/2017-18/10106 (email: [office.nva@gmail.com](mailto:office.nva@gmail.com), Mobile No. : 9999971560/9999419560), duly registered with ICSI Institute of Insolvency Professional, as the Interim Resolution Professional. The Applicant has filed consent in Form 2 under Insolvency and Bankruptcy Board of India (Application to Adjudicating Authority) Rules, 2016 stating therein that no disciplinary proceedings are pending against the named IRP.
10. It is apparent from the reply of the Respondent that the payment of claim amount has been defaulted by the Corporate Debtor to the Applicant.
11. In these circumstances, the claim stands established and prima facie presumption raised that there is default in payment of the amount due to the Applicant and in view of the reply of the Respondent the debt is admitted by the Respondent.
12. Hence, this Tribunal is inclined to initiate the Corporate Insolvency Resolution Process (CIRP) as against the Corporate Debtor as envisaged under the provisions of IBC, 2016.
13. Consequences of initiation of CIRP shall be inter-alia as follows:
- (i) The Resolution Professional proposed by the Applicant is Mr. Naresh Verma who is an IP registered with ICSI institute of Insolvency Professionals having Registration No. IBBI/IPA-002/IP-



N00054/2017-18/10106. He is hereby appointed as the Insolvency Resolution Professional (IRP) to take over the affairs of the Corporate Debtor and duties as required to be performed by him under the provisions of IBC, 2016 including issue of publication in widely circulated Newspaper as contemplated under the provisions of IBC, 2016 and calling for the claims from the creditors of Corporate Debtor and collation of the same shall be done.

- (ii) Further, as a sequence of admission, moratorium as envisaged under Section 14 of IBC, 2016 is invoked in relation to the Corporate Debtor which will be in vogue during the Corporate Insolvency Resolution Process of the Corporate Debtor. The IRP shall carry out CIRP strictly as per the timelines specified and as envisaged under the provisions of IBC, 2016 in relation to the Corporate Debtor.
- (iii) The said IRP shall act strictly with the provisions of IBC, 2016 and with a view to defray his expenses to be incurred and fees on account, the Applicant is directed to deposit a sum of Rs. 2,00,000/- (Two Lacs Only) to the account of IRP within three days from the date of this order. The IRP shall duly file a status report appraising this Tribunal about the progress of CIRP unfolded in relation to the Corporate Debtor. In terms of Section 17 & 19 of IBC, 2016 all personnel of the Corporate Debtor including promoters and Board of Directors, whose powers shall stand suspended will extend all

cooperation to the IRP during his tenure as such and the management of the affairs of the Corporate Debtor shall vest with the IRP.

- (iv) In terms of Section 7 of IBC, 2016, this order shall be communicated to the Applicant, Corporate Debtor as well as the Interim Resolution Professional (IRP) appointed by this Tribunal to carry out the CIRP at the earliest not exceeding one week from today. A copy of this order shall also be communicated to IBBI for its records.
- (v) In the circumstances, this Company Petition is admitted.



**SH. RAGHU NAYYAR,  
MEMBER (TECHNICAL)**



**DR. POONDLA BHASKARA MOHAN  
MEMBER (JUDICIAL)**