

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

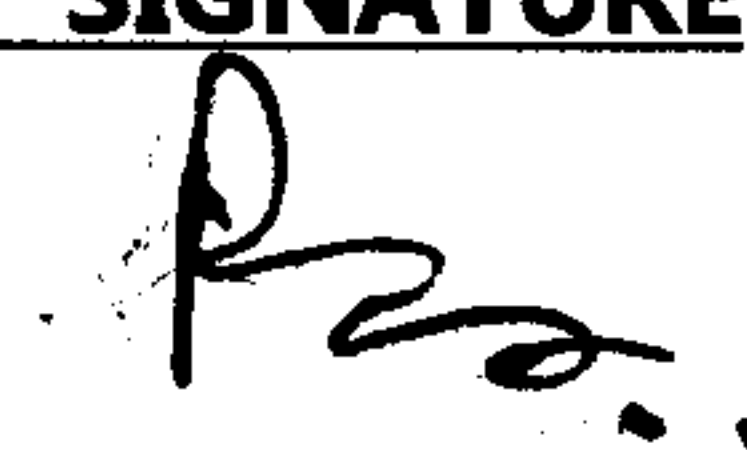
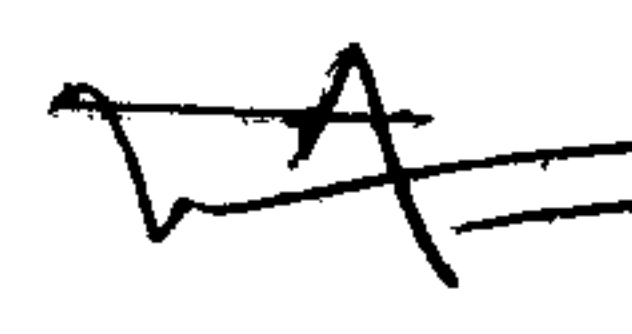
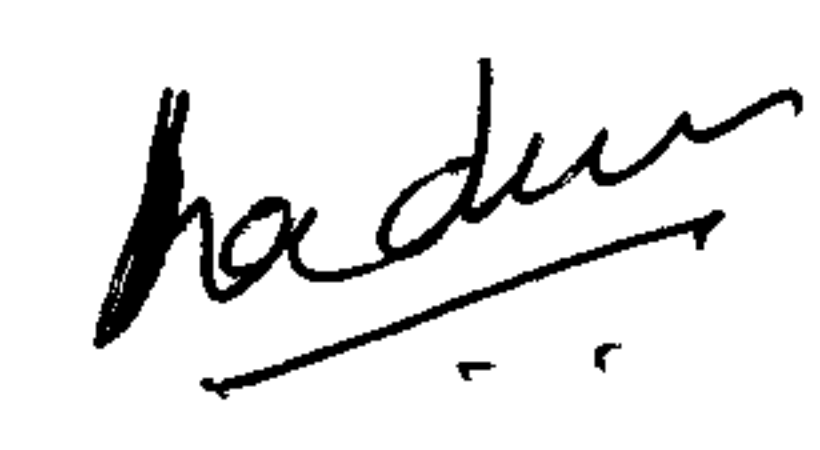
**IA 380/2018 in  
C.P. (I.B) No. 206/NCLT/AHM/2017**

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 13.11.2018**

Name of the Company: Anshuman Chaturvedi, RP of  
Kohinoor Diamonds Pvt. Ltd.  
V/s  
Kohinoor Diamonds Pvt. Ltd.

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

S.NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	Raju Kothari	Adv.	Resp. coc	
2.	AKSHAT KHARE for Muson Le Exports	Adv.	Applicant	
	R. Mahadev	-	Suspended Management	

**ORDER**

Advocate Mr. Akshat Khare is present for the applicant/RP. Advocate Mr. Raju Kothari is present for the Respondent/COC. Mr. R. Mahadev is present for the suspended management.

The instant application is filed under section 33(1) and 33(2) of the Insolvency and Bankruptcy Code with following prayers to pass an order:

- (a) *for the liquidation of the Corporate Debtor M/s. Kohinoor Diamonds Pvt. Ltd. under section 33(1) & 33(2) of the Insolvency and Bankruptcy Code, 2016 and*
- (b) *to appoint Mr. Amit Gupta as the liquidator of M/s. Kohinoor Diamonds Pvt. Ltd. in place of present Resolution Professional namely Mr. Anshuman Chaturvedi.*





We heard arguments of the learned Counsel for the RP as well as of the Committee of Creditors.

The COC in its fifth meeting held on 07.08.2018 resolved that since, the company did not receive any resolution plan therefore, the members of COC have decided to make recommendation for liquidation of the corporate Debtor Company and accordingly passed necessary resolution to go for the liquidation and resolved further to appoint Mr. Amit Gupta as a liquidator in place of present RP, Mr. Anshuman Chaturvedi.

It is also submitted that the period of 180 days provided for **CIRP** was going to be over by 12.08.2018, however, the Committee of Creditors in meeting dated 26.07.2018, and followed by E-voting held on 30.07.2018 & 31.07.2018, took a conscious decision to not to extend the period of CIRP, which is duly reflected in the para 4.10 of the present application. For the sake of convenience, the same is reproduced herein below:

*“Thereafter, the Applicant Resolution Professional has called Fourth Meeting of Committee of Creditors on 26.07.2018 for discussion on various issues including requirements of applying for extension of period of Corporate Insolvency Resolution Process. The said agenda was discussed in the Fourth COC Meeting and was put to E-voting on 30.07.2018 and 31.07.2018 wherein at e-voting agenda item No. 2, the proposal for extension for moratorium period was rejected.”*

We examined the contents of the present application and perused the records/documents annexed therewith and duly considered the grounds as mentioned in page 11 to 13 of the present application, therefore being Adjudicating Authority we are of the considered view that a liquidation order needs to be passed in respect of the present Corporate Debtor Company eg. Kohinoor Diamonds Pvt. Ltd., as, there is more than 89% voting of the members of the COC favouring for liquidation process.

In view of the above the order for liquidation of the present Corporate Debtor is passed.

This Adjudicating Authority hereby appoint Mr. Amit Gupta as ‘Liquidator’ under section 34(1) of the Code. It is hereby further directed; that the Liquidator shall cause for public announcement to this effect that the **Corporate Debtor Company has gone under the liquidation**. The liquidator shall also inform to the ROC, where with the Corporate Debtor Company is registered.

The liquidator shall act as per section 35 of Insolvency and Bankruptcy Code, 2016, subject to further directions of this Authority.

The present application is allowed and stands disposed of accordingly.

  
**MANORAMA KUMARI**  
**MEMBER JUDICIAL**

  
**HARIHAR PRAKASH CHATURVEDI**  
**MEMBER JUDICIAL**

Dated this the 13<sup>th</sup> day of November, 2018.