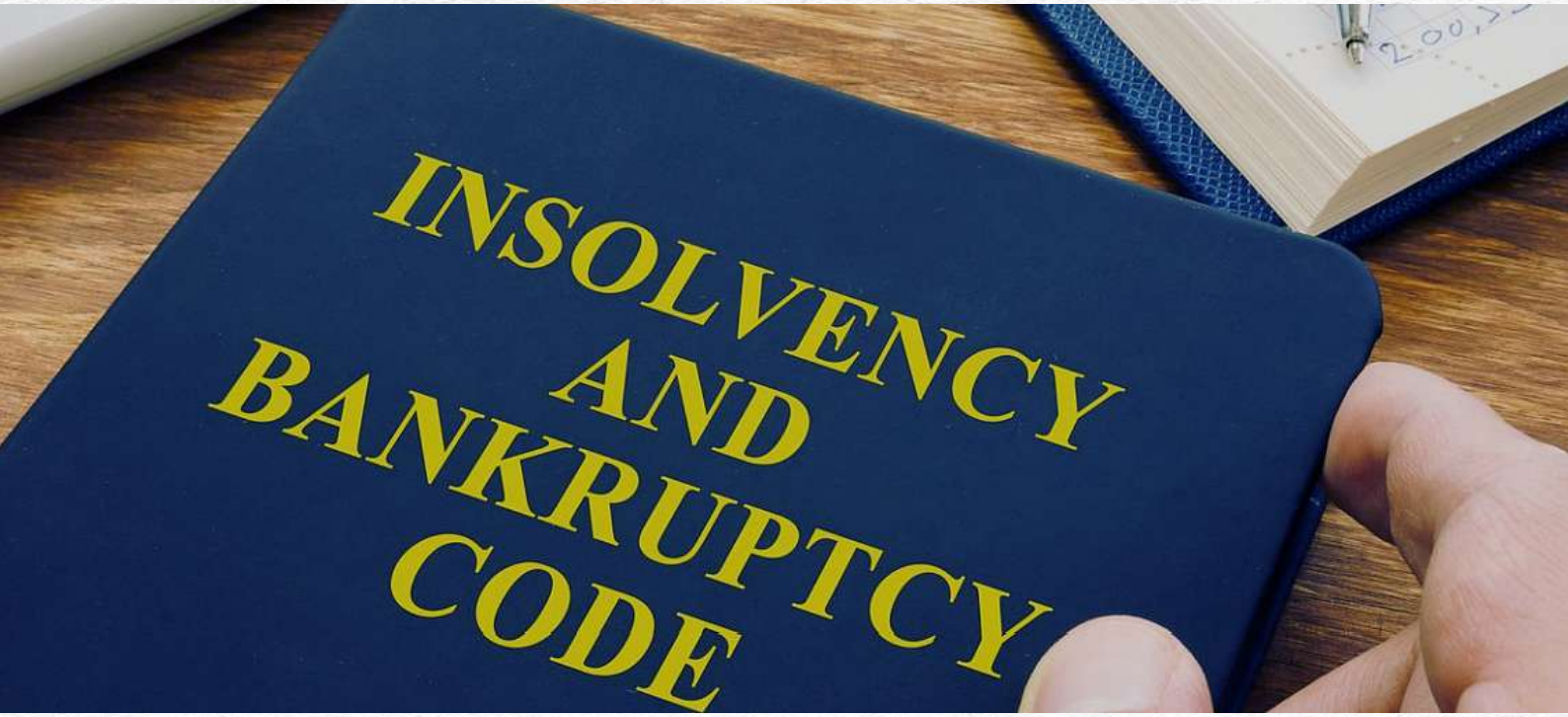
AVM RESOLUTION PROFESSIONALS

RESOLUTION TIMES

Newsletter of a Premier Insolvency Professional Entity

01 OCT 2021, ISSUE 5



IN FOCUS: RIGHTS OF SUSPENDED DIRECTORS TO APPEAL UNDER THE IBC

The Insolvency and Bankruptcy Code, 2016 ("IBC"/ "Code") was enacted with the intention of reorganising and resolving the insolvency in a time-bound manner so as to maximise the value of the stressed assets, promote entrepreneurship, make availability of the credit and to balance the interest of all the stakeholders. With this objectives the Supreme Court in the case of *Innoventive Industries Ltd. v. ICICI Bank & Anr*, which being the first case of the IBC which went to the Apex Court, has given an elaborate judgement on various aspects.

Brief about the decision by the Supreme Court

An appeal from the decision of the NCLAT was filed to the Supreme Court bearing the cause title, *M/s Innoventive Industries Ltd. v. ICICI Bank & Anr*

WHAT'S INSIDE THIS ISSUE:

The brief facts of the case as mentioned by the Court is as follows:

That the Appellant was in a financial crunch due to the labour problem and decided to restructure the debts. Accordingly, a CDR proposal was given by the Appellant which was admitted by the CDR Empowered Group and approved by the Joint Lenders Forum in a meeting on June 24, 2014. The restructuring plan provided for a master restructuring agreement which was entered on September 9, 2014, and was to be implemented over a period of 2 years from the year 2015, under which the creditors were obligated to infuse certain funds on certain obligations being met by the CD. Meanwhile, an application under Section 7 was filed by an FC on December 7, 2016.

The Appellant countered the application filed by the FC on the ground that there exist no debts on the date of filing of the application as both the notifications, i.e., July 22, 2015, and July 18, 2016, under the MRU Act provides for the suspension of the liabilities and remedies against the CD for the period of one year.

The NCLT admitted the application filed by the FC for admission of the CIRP and rejected the application of CD for the amendment in pleadings and stated that the CD is not entitled to add to the pleadings if the same was not pleaded in the first application.

Observations of the Court

The Apex Court observed that once the CIRP is initiated, the management is taken over by the IRP and hence, and any application by the directors on behalf of the CD is not maintainable. The Court further observed that the decision of the NCLT was justified w.r.t. the non-obstante clause and thus, the IBC will override the MRU Act. Hence, the notification under the MRU Act will not stand in way of the moratorium imposed under the Code.

The Court also stated that the MRU Act falls under Entry 23 of the List III of 7th Schedule which provides for “Social security and social insurance; employment and unemployment” whereas the Code is exhaustively an enactment for the consolidation of laws relating to the insolvency and reorganisation of the Corporate Persons and falls under Entry 9 of List III which provides for “Bankruptcy and insolvency”.

INSOLVENCY TRIVIA

1) An application against the decision of the liquidator rejecting the claim of a creditor may be made to:

a) The National Company Law Tribunal.
b) The committee of creditors.
c) IBBI

2) Debts owed to a secured creditor, in the event such secured creditor has relinquished security, rank equally with _____.

a) Workmen’s dues for a period of 24 months prior to liquidation commencement date
b) Wages and any unpaid dues owed to employees other than workmen for the period of twelve months preceding the liquidation commencement date
c) Dues to Central Government.

3) The estate of the bankrupt shall vest in the bankruptcy trustee from the date of

a) acceptance of the bankruptcy application.
b) passing of the bankruptcy order.
c) appointment of bankruptcy trustee

Thus, the Court concluded that the MRU Act is repugnant to the Code in terms of moratorium provisions and also held that if the moratorium under the MRU Act is given effect then the CIRP process under the Code shall be affected. Hence, the judgement of the NCLT was upheld and the order of the NCLAT regarding the repugnance aspect was set aside.

Lastly, the Court observed that addition to the pleadings by way of the second application by the Appellant is not justified as the period of 14 days within which the application for admitting the CIRP got expired by the time the second application was filed.

Rights of suspended directors to file an appeal.

Although, the judgement of the Supreme Court in the Innoventive case has categorically stated that the directors don't have the right to appeal under Section 61 of the Code, however, the ratio laid has evolved over the period of time. The author is of the belief that the Code suspends the rights of the directors to exert their powers as Board of Directors("BOD") and not their directorship. Further, as per Section 17(1) (b) of the Code which runs as "the powers of the board of directors or the partners of the CD, as the case may be, shall stand suspended and be exercised by the IRP, here the word suspension is used in the context of the "powers of the board" and not the BOD.

Moreover, the Madras High Court while dealing with the case under Section 208A of the Companies Act, 1913 has categorically stated that the cessation of the powers of the BOD will not be considered as cessation of directorship, i.e., the directors shall continue to perform their function as the directors but will not have the authority to sign on the document in the name of the director. All the powers of the BOD during the CIRP shall be exercised by the Resolution Professional ("RP"). Furthermore, NCLAT has held that the order of imposition of moratorium and initiation of the CIRP which will lead to the appointment of the RP who will undertake the working of the CD and the powers of the BOD shall get suspended. However, the same shall not be construed as suspension of the director or officer of the CD.

ANSWER KEY FOR THE PREVIOUS QUIZ

1. (a) Financial Creditor
2. (a) Voluntary Liquidation
3. (c) DHFL
4. (b) Bankruptcy Trustee

This means that if the director is making an appeal by exercising his fiduciary duty which is to protect the company then the same should be considered valid. The Code only suspends the powers of the BOD and not the directorship itself. Thus, the duty to work in the best interest of the company remains with the director. Hence, it can be concluded that if the application is filed in the best interest of the company in which an application has been filed for opposing the commencement of CIRP then the same should be admitted by the AA.

Also, it has to be seen that in Section 61(1) of the Code which provides for filing of the appeal to the NCLAT the words “any person aggrieved” has been mentioned. This means any person who is aggrieved by the order of the AA can appeal to the NCLAT. Similarly, Section 62 of the IBC provides for the appeal to the Supreme Court from the order of the NCLAT. It also provides that any person who is aggrieved by the decision of the NCLAT can file an appeal to the SC. It would be imperative here to discuss who can be the aggrieved person.

An aggrieved person is a person who has the right or is having the competency to move to the court/tribunal of appellate jurisdiction for the substantive reliefs. Delhi High Court in one of the cases has held that the aggrieved person shall be a person who is having a substantial grievance with respect to the rights in the property. Hence, it can be concluded that the directors in the present case be considered as aggrieved person as they have been suspended from their right of exerting power through the dir-

-ectorship and can also be the shareholders who have been denied of their voting powers because of the existence of the Committee of Creditors (“COC”).

To summarise the above arguments, it can very well be said that the directors under their fiduciary duties as mentioned under Section 166 of the Companies Act, 2013 or under Section 61(1) or Section 62 of the Code is the aggrieved person as the erstwhile directors or the shareholders can file for an appeal.

Further, one more observation which was made by the Court was that, once the CIRP is initiated the operational and managerial rights are transferred from the BOD to the IRP/RP and then, if any appeal is to be filed by the erstwhile management, the same should be routed through the RP. The author here wants to draw the attention that the decision of the Supreme Court is pointing towards the conclusion that if the previous management has to appeal against the CIRP by which appointment of IRP/RP was made, then they have to make an appeal via IRP/RP. This might create a conflict of interest and some biasness as the RP won't be ready for challenging the process through which he was appointed. Hence, in the author's consideration, the conclusion made by the Supreme Court needs to be revised.

With evolving jurisprudence, the Supreme Court in its recent judgement in the case of Babulal Vardharji Gurjar v. Veer Gurjar Aluminium Industries Pvt. Ltd. & Anr. has allowed the application filed by the erstwhile directors.

In the case of Radius Infratel Pvt. Ltd. v. Union Bank of India, it was observed by the NCLAT that even though the appeal was dismissed by the Appellate Tribunal, the same shall not bar suspended director or shareholder of the CD the right to move an appeal as per the procedure prescribed. Thus, it can be concluded that there has been a shift from what has been stated in the *Innoventive Industries case.* This deviation can also be seen from the below two cases of Supreme Court and NCLAT wherein the fact that the suspended directors have the right to file an appeal against the order of CIRP has been highlighted.

Right to participate in CoC meetings and receiving documents being circulated in the CoC

The Hon'ble Supreme Court in the case of Vijay Kumar Jain v. Standard Chartered Bank & Ors. has held the RP is bound to give notice and every document which is essential for the conduct of the COC to the erstwhile directors of the CD and the directors shall have the right to discuss regarding the contents of the resolution plan with the members of the COC. Further, the Court has observed that Regulation 39(5) of the Insolvency & Bankruptcy (CIRP) Regulations, 2016 provides for the dispatching the copy of the resolution plan to all the participants which include the directors also. Thus, an order for admission of the CIRP would affect the CD and the directors can appeal under Section 61 of the Code as the persons being aggrieved.

Brief facts of the case:

The Appellant, who happens to be the director of the CD, has filed the appeal alleging that the Respondents is denying the participation in the COC meetings and is denying to see the documents necessary for the conduct of the COC. Although, the RP has denied this allegation and has made a non-disclosure and confidentiality agreement signed by the director before participation.

The Appellant argued that as per Section 24(3) of the Code, the RP is duty-bound to give notice of every meeting of the COC to the erstwhile management of the CD and shall also give the copies of the documents necessary for the conduct of the CIRP. He further argued that in most of the cases the Directors are the personal guarantors who have given their guarantee for securing the loans given by the FCs. Thus, if the resolution plan is approved then they would be bound by the resolution plan. Hence, it was pleaded that they should have the right to file an appeal if in case the resolution plan approved affects their interest or the interest of the company.

On the contrary, the Respondent argued that Section 30(3) of the Code and Regulation 39(2) of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 provides for the provision of resolution plan only to the members of the COC. It was further pleaded that the participation mentioned under the Code for the erstwhile directors is only for the purpose of giving

information to the COC so as to access the financial position of the CD.

Observations of the Court:

The Court observed that the notice of every meeting of the COC is required to be given by the RP to the members of the suspended board and further went on to say that the suspended board do not have the right to vote on the resolutions of the COC but have the right to participate in every meeting.

Further, in the majority of the cases, directors being the guarantors are impacted in a way that on the approval of the resolution plan their rights as the guarantors are affected. Also, as per Regulation 39(5) of the CIRP Regulations, 2016 the RP is required to send the outcome of the resolution plan to the directors of the CD so as to make the right of appeal available to them as given under Section 61 of the Code. Hence, on the above grounds, the appeal filed by the Appellant was admitted.

The decision in the case of Steel Konnect

The NCLAT in the present case was of the opinion that the right to file an appeal of the suspended directors under the Code does not get suspended if the CIRP is initiated against the CD. The NCLAT in Steel Konnect (India) Private Limited v. M/s Hero Fincorp Limited has upheld the application filed by the Appellant and held that the BOD has locus standi to file an application on behalf of the CD as under Section 61(1) of the Code.

The brief facts of the case are that the Respondent is the FC of the CD/Appellant and have filed a Section 7 petition under the Code which was admitted by the NCLT.

The Appellant contended that the CD was not given any notice of the filing of the application against it which is against the principles of natural justice. Further, it was also contended that the records of default which is quintessential to file along with the application under Section 7 were not filed by the FC.

On the contrary, the FC/Respondent claimed that the Appellant has no right to appear on behalf of the CD as the IRP has taken over the management of the CD and the powers of the board has been suspended. Further, it was contended that the proper notice as per Rule 4(3) of the Adjudicating Authority Rules, 2016 was issued to the Appellant and the same was given the opportunity to be heard.

The Appellate Tribunal framed the issue “whether the BOD of the CD can prefer an appeal under Section 61 of the IBC after they have been suspended post admission of the CIRP”.

The NCLAT observed that as per Section 17(2) of the Code, the IRP has the power to execute in the name of the CD all deeds, receipts and other documents and to take such actions in the manner specified by the Board. The Appellate Tribunal observed that the provision does not expressly provide for the specific power to the IRP for suing anyone on behalf of the CD.

It further observed that post admission of CIRP against the CD, the aggrieved party has the right to refer an appeal under Section 61 of the Code and such aggreived

can be the directors, members or employees. Also, if the CD is being represented by the suspended BOD then no objections can be made that the CD cannot be represented by the erstwhile management.

Also, it observed that if the CD is represented through the RP then it would be difficult for the BOD as the RP won't challenge his own appointment and thus, the process would become futile. Lastly, it was concluded that since the BOD gets suspended, however, they continue to remain the directors for all purposes except to exercise the powers and thus for the above-mentioned reasons all contentions of the Respondent was rejected.

Conclusion

Hence, based on the above-discussed cases and other grounds, the author is of the view that the Code enables the provision of appeal to the suspended directors of the CD in the capacity of being an aggrieved person as under Section 61 and Section 62 which provides for an appeal to the NCLAT and the Supreme Court respectively. Further, the author has also deducted from the judgements of the Supreme Court and NCLAT that the right of the erstwhile directors cannot be suspended in any case otherwise it would be affecting their interest.

LATEST JUDGEMENTS AND UPDATES

1. Supreme Court Judgements

1.1 APPEAL UNDER SECTION 61 HAS BE TO FILED WITHIN THE STATUTORY TIMELINE PRESCRIBED.

The Supreme Court in the case of National Spot Exchange Limited v. Mr. Anil Kohli, RP for Dunar Foods Limited (Civil Appeal No. 6187 of 2019) has held that the period of limitation for filing the appeal under Section 61 of the Code/IBC is fixed and cannot be extended under any circumstances.

The appellant in the present case is a depository who has filed this appeal arguing that its claims are not admitted by the IRP in the CIRP filed against the Corporate Debtor (CD). It has also challenged the impugned order of the NCLAT wherein the NCLAT has rejected the appeal filed by the Appellant against the order of the NCLT owing to the fact that the appeal was filed after 44 days from the last date of the limitation period as prescribed under Section 61 of the Code. Appellant prayed that even though it was out of the limitation period as prescribed still the Hon'ble Supreme Court under Article 142 of the Constitution of India can condone the delay and can allow the appeal of the Appellant in the interest of justice.

The Respondent vehemently countered the arguments made by the Appellant and submitted that the power to condone the del-

-ay under Section 61(2) of the Code of the NCLAT is for a maximum period of 15 days post the completion of 30 days from the receipt of the order. Hence, the NCLAT was justified in not extending the limitation as the same would have gone against the spirit of the provision prescribed.

The Respondent referred to the case of New India Assurance Company Limited v. Hilli Multipurpose Cold Storage Private Limited ((2020) 5 SCC 757) and submitted that once a particular statute provides for a limitation period and the condonation period then the courts does not have the power to extend such limitation even if the hardship is caused to the party. Further, referring to the case of Oil & Natural Gas Corporation Limited v. Gujarat Energy Transmission Corporation Limited (AIR 2017 C 1352) the Respondent submitted that the power of the Supreme Court as under Article 142 of the Constitution is restricted, i.e., the Court under its inherent power cannot extend the limitation beyond the period to what is prescribed under the statute as the same would be against the legislative intent and would interfere with the powers of the legislature.

Hence, taking recourse to Article 142 a party cannot indirectly do acts that are not permitted to be done directly.

The Supreme Court observed that the appeal under Section 61(2) of the Code has to be mandatorily filed under 30 days which can be extended by 15 days provided there was a sufficient cause for not filing and hence, the Appellate Tribunal was justified in rejecting the appeal of the Appellant.

1.2 MORATORIUM UNDER THE CODE WILL NOT AFFECT PROCEEDINGS AGAINST THE DIRECTORS.

In the recent case by the Hon'ble Supreme Court of India in the matter of Anjali Rathi & Others v. Today Homes & Infrastructure Pvt. Ltd. & Others (SLP (C) No. 12150 of 2019), the Court has held that the moratorium on the Corporate Debtor (CD) won't preclude the creditor to file an application against the promoter/director of the company.

Petitioners in the present case are the homebuyers who have gone to the NCDRC against the non-fulfillment of the home-buyer agreement. The NCDRC has allowed the claim of the petitioners and has directed the Respondent to refund the money along with the interest and if the same is not complied with, then, the personal properties of the directors shall be seized. Subsequently, the Delhi High Court has stayed the execution of the above-mentioned decree. In the meantime application under section 9 of IBC was admitted and CIRP against the corporate debtor commenced on 31.10.2019.

Against this, a Special Leave Petition was filed by certain homebuyers wherein they have argued that the NCLT proceedings were to only stall the refund of the amount which was due to the homebuyers as per the order of the NCDRC. Further, the petitioner filed their claims with the Resolution Professional (RP), and later the plan which was filed by the consortium of the homebuyers was approved by the COC.

The petitioner, hereinafter, argues that the personal properties of the promoters should be attached as per the resolution plan, which is yet to be approved by the Hon'ble NCLT.

The Apex Court has observed that the approval of the resolution plan awaits a decision by the NCLT after which a further line of action would be decided. Further, it referred to the case of P. Mohanraj v. Shah Bros Ispat (P) Ltd. ((2021) 6 SCC 258) where it was observed that the proceedings and moratorium under the Code will halt the proceedings as under Section 138 & 141 of the Negotiable Instruments Act, 1881 against the CD. However, the same will not affect the proceedings initiated against the promoters/directors of the CD. Hence, the Court clarified that the moratorium applicable will not prevent the creditor to proceed against the promoters in relation to honoring the settlements.

1.3 THE APPELLATE COURT SHALL NOT NEED TO GO INTO THE ACADEMIC ISSUES AND SEEK TO INTERPRET THE PROVISIONS OF THE LAW IN APPEAL: HON'BLE SUPREME COURT

In the matter of K.N Rajakumar vs V. Nagarajan & Ors, a civil appeal before the Supreme Court of India was preferred by one ex-employee, D. Ramjee, the Operational Creditor (OC) claiming the arrears of his salary. The OC preferred an application under Section 9 of the Insolvency and Bankruptcy Code, 2016(IBC) for the initiation of CIRP against the Corporate Debtor (CD). The said application was admitted by the Adjudicating Authority.

Aggrieved by the order of the Adjudicating Authority (AA), the CD preferred an appeal to the NCLAT against the impugned order. The NCLAT allowed the application of the CD and dismissed the order passed by the AA. The NCLAT also directed the Corporate Debtor to pay the OC dues for the last three years. The CD complied with the order.

Subsequently, another Application under Section 9 of the Code was preferred by the ex-employee, stating default in payment of salary. The AA allowed the application for initiation of CIRP. However, on appeal to the NCLAT, the Appellate Tribunal rejected the AA order on the ground of 'existence of dispute' about arrears of salary.

Meanwhile, one Subasri Realty Limited, a major shareholder of the Corporate Debtor filed a Miscellaneous Application to the Supreme Court seeking a compromise with the Second Applicant. The Supreme Court granted liberty to the said Applicant to approach CoC for settlement under Section 12A of the IBC. Further, the NCLT directed RP to convene a meeting of CoC consisting of the members, who constituted CoC originally in the year 2017. CoC vide its resolution dated 25.5.2021 passed in its 8th meeting, unanimously resolved to withdraw CIRP initiated in respect of the Corporate Debtor.

Aggrieved by the said approval, D.Ramjee contended that the provisions of the IBC require the claims of all the creditors of the CD

to be updated by RP from time to time. Relying on Regulation 16 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations 2016 (hereinafter referred to as '2016 Regulations'), it is submitted on behalf of D. Ramjee that since the matter was settled between the financial creditors and the Corporate Debtor, CoC was required to be constituted only of the operational creditors.

The Supreme Court stated that it is a settled principle of law that the Court should not go into the academic issues and seek to interpret the provisions of law when it is not necessary for deciding the issues in the appeal. It is not in dispute that the resolution of CoC approving the withdrawal of CIRP proceedings was supported by the requisite voting majority. NCLT after considering the resolution passed by CoC in its 8th meeting has approved the same.

Relying on various provisions of the IBC and the 2016 Regulations, it is submitted that the composition of CoC must change based on the updated claims of the creditors, and whenever the claims of the creditors undergo any change, the composition of CoC must change accordingly. It is therefore submitted that since the Corporate Debtor does not have any financial creditors, CoC ought to have been constituted of operational creditors, wherein D. Ramjee would have a substantial voting right.

The Supreme Court on hearing the contentions in the Civil Appeal decided that the Appellate Courts need not necessarily go into the academic issues and stated that in the present appeal the Appellant received the arrears of salary for the last three years as directed by the NCLAT and further, the Adjudicating Authority rightly held that after the withdrawal of CIRP proceedings, the powers and management of the Corporate Debtor were handed over to the Directors of the Corporate Debtor and from that date, RP and CoC concerning the Corporate Debtor had become functus officio. NCLT has rightly disposed of the application filed by D. Ramjee having rendered infructuous. Therefore, the Hon'ble Apex Court dismissed the appeal filed before them.

1.4 SUPREME COURT TO WITHDRAW EXTENSION OF THE LIMITATION PERIOD FOR CASES FROM 1 OCTOBER

In the suo-moto proceedings taken by the Supreme Court of India in the case of In Re: Cognizance for Extension of Limitation (Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020), the Court has given the directions with respect to the computation of the limitation period in reference to the current pandemic situation.

The Supreme Court referred to its earlier orders on the same subject which are as follows:

- Suo Moto order dated 23.03.2020: limitation shall start from 15.03.2020 till further orders.
- Suo Moto order dated 08.03.2021: the court directed that the period between 15.03.2020-14.03.2021 shall stand excl-

- -uded from the computation of the limitation period. It also directed that the balance of the limitation period shall remain as of 15.03.2021 and if in case the limitation expires between 15.03.2020 and 14.03.2021 then the period of 90 days shall be given as the extended limitation period. Further, if the balance period as of 15.03.2020 is longer than 90 days period, then the former shall be made applicable for computation.

The Court again took a suo moto cognizance and had restored the order dated 23.03.2020 in continuance of the order dated 08.03.2021 and further directed that the period of limitation shall stand excluded till further orders.

In the present order, the Apex Court has observed that there exists no requirement of the order dated 23.03.2020. It further directed the following:

- That, the period between 15.03.2020 to 02.10.2021 shall be excluded in the computation of the limitation period.
- That, the balance of limitation period as available on 15.03.2021 shall become available from 03.10.2021.
- That, if the limitation period has expired between 15.03.2020 and 02.10.2021, then the period of 90 days is to be given from 03.10.2021 for computation of limitation and if the period longer than 90 days exists as of 15.03.2020 then that period shall be taken into account for computation of limitation and not 90 days period

2. NCLAT Judgements

2.1 DOCTRINE OF DERIVATIVE ACTION IS NOT APPLICABLE UNDER SECTION 7 OF THE CODE.

NCLAT in the case of M Sai Eswara Swamy v. Siti Vision Digital Media Pvt. Ltd. (Company Appeal (AT) (Ins.) No. 706 of 2021) has observed that doctrine of the derivative action is not applied in cases of an application filed under the Code.

The Appellant in the present case is the 50% shareholder and the director of the Financial Creditor (FC) companies and the rest 50% is held by Mr. K. Siva Rama Krishna in both the companies. Additionally, 4% of the shareholding in the Corporate Debtor (CD) is held by the wife of Mr. K. Siva Rama. The Appellant has pleaded that he has requested Mr. Siva to sign on the board resolution so as to initiate an application under Section 7 of the Code against the CD but the latter has never signed on the same. Result of which the application was dismissed by the NCLT on the ground that the same was not signed by Mr. Siva.

The Appellant in the present case pleaded that the shareholder/director of the company can initiate an action on behalf of the company if the Board is not pursuing it and if the same is in the interest of the company. The Appellant referred to the doctrine of derivative action and contended that as per the doctrine the Appellant being 50% of the

shareholder and director of the company can file an application under Section 7 of the Code against the CD.

The Respondent vehemently countered to the submissions made by the Appellant and stated that as per the notification dated 27.02.2019 by the Central Government which provides for the power of the person who may initiate an application under Section 7 of the Code, it was submitted that only the person duly authorized by the BOD of the company is competent to file an application under the Code on behalf of the FC. Reference was made to Palogix Infrastructure Pvt. Ltd. v. ICICI Bank Ltd (Company Appeal (AT) (Ins.) No. 30 of 2017) wherein the Appellate Tribunal held that the person authorized can only apply to Section 7 of the Code.

The Appellate Tribunal observed that there is no board resolution for initiating an application under Section 7 of the Code. It further observed that as per the notification mentioned above, an application under Section 7 can only be filed on behalf of the FC by the guardian, an executor or administrator of the estate of the FC, a trustee or person duly authorized by the BOD. Hence, the doctrine of derivative action can't be applied in the present case and thus the appeal was held to be not maintainable.

2.2 IF ALL INGREDIENTS OF FILING AN APPLICATION ARE PRESENT, THEN THE APPLICATION HAS TO BE ADMITTED.

NCLAT- Chennai Bench in the case of M/s Dynamic Engineers Limited v. M/s Muhlenbau Equipements Private Limited & Ors. (Company Appeal (AT) (CH) (INS) No. 136 of 2021) has held that once the petition filed under the Code is complete and there exist no discrepancies in the application, then the same has to be admitted by the Adjudicating Authority (AA).

The present appeal has been filed by the Appellant who is an Operational Creditor (OC) against the impugned order passed by the AA in which the application filed by the OC got dismissed. The Appellant pleaded that the AA should have admitted the application as there were no pre-existing disputes w.r.t. the claims made by the OC and the application was defect-free. It further contended that the CD owed the OC for the supply of goods worth Rs 37,86,750/-. The Appellant stated that since the amount was defaulted upon by the CD, a demand notice was issued under Section 8 of the Code which was not replied to by the CD after which an application was filed against the CD under Section 9 of the Code which got dismissed on no grounds. Also, it was submitted that the notice was served to the CD regarding the application filed and the same was emailed. Even after the same, the Respondent didn't make his presence during the proceedings.

The NCLAT observed that the CD has wilfully avoided the payment and the proceedings under the Code. It also observed that there exists an operational debt on the part of the CD upon which the default was committed. Further, the Appellate Tribunal observed the following:

- That, the AA ought not to have directed the CD to settle the claims within 3 months of the date of receipt of the order even though a clear case was established by the Appellant.
- That, the application filed was not intending to make recoveries under the Code.
- That, when the application is complete and where the debt has been established, the AA has to admit the application. In the present case, the AA has not applied its judicial mind and thus, the order by the AA was patently illegal and unreasonable.

Hence, the application was admitted by the NCLAT and the CIRP was ordered to be commenced within 15 days of the receipt of a copy of the order.

2.3 ORDER HAS TO BE PRONOUNCED TO ATTAIN VALIDITY.

NCLAT in the case of M/s Ergomaxx (India) Pvt. Ltd. v. The Registrar, National Company Law Tribunal (Company Appeal (AT) (CH) (INS) No. 133 of 2021) has held that if the order is not pronounced by the Adjudicating Authority (AA) under the Code, then the same will not be considered to be an order and cannot attain finality.

In the present case, an application for CIRP was initiated under Section 9 of the Code and later was admitted by the AA. The Appellant contended that the matter was listed for clarification and interim order which was reserved but never got uploaded on the NCLT's website.

Further, it was submitted that there was no communication of the order even by way of e-mail from the registry of the NCLT, Bengaluru and also there was no admission into the WhatsApp group of the Tribunal for the matters after December 11, 2020, which was created to pronounce the order.

The Appellant also stated that as per Rule 150 and Rule 151 of the NCLT, Rules 2016, the pronouncement of the order has been made mandatory by the Tribunal and in this context, the CD referred to the case of the Bombay High Court in the case of Kamal K Singh v. Union of India (WP (L) No. 3250 of 2019) which provides that the order has to be in writing and signed and has to be made and pronounced within 30 days from the final hearing. It further states that the certified copy of the order, bearing the seal of the court, has to be given to the parties and this will be the prerequisite for the complete communication between the parties. Also, the judgment provides that if the judgment is not pronounced then the same would be considered as that the order is a nullity.

The NCLT was of the opinion that a pronouncement is a judicial act that is sanctum sanctorum for any judicial proceedings and if the same is not pronounced then the order is considered to be null. It further distinguished between the pronouncement and communication of the order and observed that both are essential for discharging justice. Hence, the NCLAT set aside the order of the NCLT and remitted the matter back to the AA for a fresh hearing in the matter.

2.4 RP IS NOT DUTY BOUND TO ACCEPT THE CLAIMS FILED BEYOND THE STATUTORY TIME LINE PRESCRIBED.

NCLAT in the case of The Deputy Commissioner Division-VII, Central GST v. Mr. Kiran Shah, RP of Vicor Stainless Pvt. Ltd. (Company Appeal (AT) (Insolvency) No. 328 of 2021) has held that the Resolution Professional (RP) is not bound to accept the claims after the timelines as prescribed under the Code.

The Appellant/Operational Creditor (OC) challenging the order of the NCLT has filed the present appeal stating that the Appellant was notified regarding the CIRP against the Corporate Debtor (CD) on 28.07.2020 and the Appellant had filed its claim on 04.09.2020. The claim submitted was rejected by the RP and the notice to the same was sent to the Appellant on 05.09.2020 as the same was filed beyond 28.07.2020. The Appellant argued that it was shown as a creditor in the records of the CD, still, the RP failed to take notice of the same and had got approved the resolution plan.

The Respondent, on the contrary, stated that the OC didn't submit their claim and the same was notified via mail and public announcement to file. Also, it referred to the IBBI Facilitation Letter No. Facilitation/004/2020 dated 12.09.2020 which provides that the Government and its agencies are to provide their claims in the CIRP of the CD within the specified period as given under Section 15 of the Code.

It was also argued that the resolution plan was approved by the COC with the majority of 91.02% of the voting rights.

The NCLAT observed that the period for filing the claim was for the period of 90 days from the insolvency commencement date which was 10.06.2020 and further even if the period of lockdown period of 68 days is added then also the Appellant was delayed by 19 days in the submission of the claims as it submitted on 04.09.2020. It was also observed that the intimation regarding the CIRP and claim filing was made aware to the Appellant on 12.03.2020. The Appellate Tribunal also observed that the RP is bound to collate the claims as per Section 21(1) of the Code, however, this doesn't mean that the RP is also bound to collate the claims even if the same was beyond the prescribed time limit.

The NCLAT also referred to the judgement of the Supreme Court on Ghanshyam Mishra and Sons Private Limited v. Edelweiss Asset Reconstruction Co. Ltd. and concluded that the resolution plan once approved cannot be changed. It shall be binding on every stakeholder. It further referred to the case of Ebix Singapore Private Limited v. Committee of Creditors of Educomp Solution Limited & Anr. where the Apex Court observed that importance of adhering to the prescribed timelines, keeping in view the scope and objective of the Code.

Hence, taking reference from the above two cases, the NCLAT dismissed the appeal.

2.5 NCLAT INTERPRETED THE CIRCULAR DATED 26.08.2019 ABOUT THE IBBI LIQUIDATION PROCESS REGULATIONS, 2016

In the matter of Mr. Sundaresh Bhat, Liquidator of ABG Shipyard Ltd. before the NCLAT, the Appeal is preferred against the order of the Adjudicating Authority (AA). In the impugned order the AA declined to give the benefit of the provision of 90 days to pay balance sale consideration as per amended Clause 12 of Schedule I of the IBBI Liquidation Process Regulations, 2016.

The said circular talks about the Applicability of the Insolvency and Bankruptcy Board of India (Liquidation Process) (Amendment) Regulations, 2019 notified on 25th July 2019. The AA in its order did not provide the benefit under the said circular as the order of liquidation was already passed before the amendment dated 25.07.2019 came into effect and the benefit under amended clause 12, could not be granted. The NCLAT after hearing the arguments of the Appellant held that the Liquidation Regulations and Clause 12 of Schedule I as was subsequently introduced on 25.07.2019 which has been brought by way of the amendment do not show that the Regulation is to be applied only prospectively.

The NCLAT also discussed about the power of the Insolvency and Bankruptcy Board of India (IBBI) under Section 192 of the Insolvency and Bankruptcy Code, 2016.

The Appellate Court held that the power of the Board under Section 196(1) (p) or (t) to issue guidelines cannot be expanded to interpreting provisions made. That is the job of Courts to interpret and apply the law. The NCLAT further held that circular dated 26.08.2019 is not legally enforceable to interpret applicability.

Such Circular cannot be in the nature of substituting existing Regulation in the name of guidelines. The guidelines which are inconsistent with the subordinate legislation would not be enforceable. Hence, the NCLAT modified the order of the AA and allowed the liquidator to apply Clause 12 of Schedule 1 of the Liquidation Regulations.

3. NCLT Judgements

3.1 IBBI OR CENTRAL GOVERNMENT HAS TO MAKE COMPLAINTS AS PER SECTION 236 OF THE CODE.

NCLT Chennai in the case of L.K. Sivaramakrishnan, RP of M/s New Chennai Township Pvt. Ltd. v. R.R. Srinivasan, CFO Mar Ltd (SR/851/2020 in CP/636/(IB)/CB/2017) has held that the Adjudicating Authority (AA) under the Insolvency and Bankruptcy Code, 2016 (IBC/Code) is not a special court as established under Section 436 of the Code and hence cannot take cognisance of the matters having criminal nature.

In the present case an application was filed by the Resolution Professional (RP)/ Applicant under Section 70 and 72 of the Code and Rule 11 of the NCLT Rules, 2016 r/w Section 424 and 449 of the Companies Act, 2013 to seek directions for the registrar to register the criminal complaint against the Respondent w.r.t. the offences committed under Section 191, 192, 193, 199, 200, 209 and 120-B of the Indian Penal Code or to initiate an inquiry into the offence under the above-mentioned sections or direct the Chief Metropolitan Magistrate of the area to hold an inquiry and to initiate criminal proceedings against the Respondent for the offences committed.

The Tribunal observed that for admitting the petition under Section 70 & 72 of the Code it would be imperative to refer to Section 236 of the Code which provides for trial of offences by the Special Courts. The said section provides for a non-obstante clause and states that the offences committed under the IBC shall be dealt with by the special courts which are established under the Companies Act, 2013. It further provides that for the offences punishable under the said section the complaint has to be made by the IBBI or the Central Government or any person appointed by the Central Government.

The AA concluded that for the offences to be tried under the IBC, the special courts established are having competent jurisdiction and hence, the application was dismissed on the ground of maintainability.

3.2 FINANCIAL CONTRACT UNDER I&B (APPLICATION TO ADJUDICATING AUTHORITY) RULES, 2016 IS A MANDATORY REQUIREMENT

In the matter of Karmal Garment Exports vs. M/s. Jai India Weaving Mills Pvt. Ltd. the petition has been filed an application under Section 7 of the Insolvency and Bankruptcy Code, 2016 (IBC/Code) read with Rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 for the initiation of Corporate Insolvency Resolution Process (CIRP) against the Corporate Debtor (CD) i.e Jai India Weaving Mills Pvt. Ltd.

The Adjudicating Authority (AA) after hearing the parties, stated that the onus is upon the Financial Creditor while filing the petition for initiation of CIRP to place on record before the AA, the Financial Contract and demonstrate without any ambiguity from the financial contract, the amount disbursed as per the loan/debt, the tenure of the loan/debt, the interest payable and the conditions of repayment.

It would be pertinent to represent the definition of “financial contract” as provided under Rule 3 (d) of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (AAA Rules) which says that “a contract between a corporate debtor and a financial creditor setting out the terms of the financial debt, including the tenure of the debt, interest payable and date of repayment.”

Whereas, in the instant matter there was no 'financial contract' which was placed on record before the AA. Further, the AA held that the petitioner only provided the ledger of the Financial Creditor maintained in the books of accounts of Corporate Debtor under Part V of the application under Section 7 of the Code read with Rule 4 of the AAA Rules. Hence, the AA held that due to the absence of such a contract between the parties, the petition stands dismissed.

3.3 SIMULTANEOUS APPLICATI--ONS CAN BE FILED AGAINST THE CORPORATE DEBTOR AND THE GUARANTOR

In the case of Edelweiss Asset Reconstruction Company Ltd. v. Trifalagur Square Infrastructure Private Limited (Company Petition (IB) No. 63/ALD/2019), the Allahabad NCLT has held that a simultaneous application against the Corporate Debtor (CD) and the Corporate Guarantor can be filed for the same set of debt and defaults.

The Financial Creditor (FC)/ Petitioner in the present case has filed an application under Section 7 of the IBC/Code against the CD who happens to be the Corporate Guarantor of the CD. The FC stated that the principal borrower in the case had borrowed Rs 170 crores from the original creditor (who had later assigned the debt owed to the FC) for which the Corporate Guarantor had given the guarantee. It was further averred that the principal borrower defaulted in payment of the debt and hence, the loan was recalled and the demand notice was sent to both the CD and the Corporate Guarantor. Meanwhile, the Respondent didn't appear before the NCLT and the application filed for the CIRP of the principal borrower got admitted for the same set of debts and default.

The NCLT referred to the case of Laxmi Pat Surana v. Union Bank of India (Civil Appeal No. 2734 of 2020) which held that if the principal borrower, as well as the guarantor defaults in repayment of the debt then the cause of action against both the parties, will arise in equal measure as the liability of the guarantor is co-extensive to the principal borrower. It further held that as soon as the default is confirmed, the guarantor metamorphoses into the CD and hence will get covered under Section 3(7) of the Code.

The AA further referred to the case of Edelweiss Asset Reconstruction Company Financial Ltd. v. Gwalior Bypass Projects Ltd. (Company Appeal (AT) (Ins.) No. 1186 of 2019) wherein the NCLAT has held that there is no bar under the Code to proceed against both the FC and the Corporate Guarantor in CIRP or at the time of filing of the claims.

Taking reference from the above cases, the NCLT concluded that there was a default on the part of the CD arising from the deed of guarantee and hence, the petition was admitted under Section 7 of the Code.

3.4 FIRST-EVER PRE-PACKAGED INSOLVENCY RESOLUTION PROCESS CASE IN INDIA

In the first-ever case (CP (IB) No. 116/54/AHM/2021) on Pre-packaged insolvency, the NCLT Ahmedabad has admitted the application filed by the Corporate Debtor (CD) (GCCL Infrastructure & Projects Ltd.) filed under Section 54A of the IBC/Code.

The Applicant submitted that the total debt amount payable to the creditors stands at Rs 54.16 lakhs and the date of default is December 31, 2020. It was also submitted that the CD is an MSME and is eligible to apply Section 54A(1) of the Code. Further, the requirement of a special resolution of the members of the CD was also taken as under Section 54A(2)(g). The CD further submitted that the majority of directors of the CD has given declaration as under Section 54A(2)(f) of the IBC which was later approved by the Financial Creditors (FC) as under Section 54A(3) after consideration of base resolution plan submitted by the CD.

Furthermore, it was also submitted by the CD that the Resolution Professional (RP) has been appointed thereby complying with the provisions of Section 54A(2)(e) of the Code along with Regulation 14(5) of the IBBI (Pre-packaged Insolvency Resolution Process) Regulations, 2021 (Regulations). He had submitted the report as required under Section 54B(1)(a) of the Code in Form-8. It was also submitted that the declaration w.r.t. the existence of avoidance transaction was filed as per Section 54C(3)(c) of the IBC r/w Regulation 16(2) of the Regulations. Also, an affidavit w.r.t. to the CD's eligibility as under Section 29A was also filed to submit the resolution plan thereby complying with the provisions of Section 54A(2)(d) of the Code.

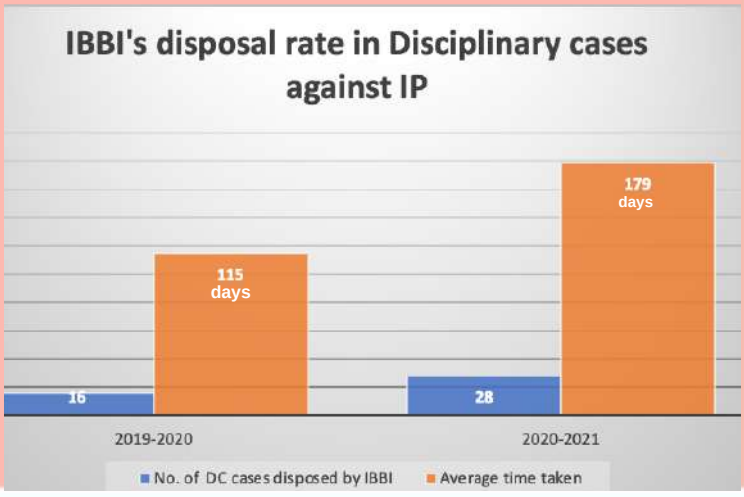
Lastly, the CD had also produced the audited financial statements for the previous two financial years thereby complying with section 54C(3)(d) of the IBC, and had submitted the list of assets & liabilities of the CD, names, and amounts of debt owed to the creditors and names of all the directors and members of the CD.

Hence, the NCLT observed that the application filed by the CD was compliant in every aspect and has complied with the provisions mentioned under the Code. Thus, the application was admitted and the moratorium was imposed.

Do you know?

IBBI has been successful in adhering to the desired timeline they have prescribed under Regulation 11 (6) of the IBBI (Insolvency Professional) Regulations, 2016. The table below presents data for last two years.

IBBI strives to dispose off the disciplinary case initiated against the Insolvency Professional within 6 months of the issuance of show cause notice (SCN). As a regulator, this is a commendable job as during the pendency of SCN an IP is not allowed to take up any fresh assignment.



THIS EDITION'S SPECIAL: INTERVIEW WITH DR. R.C LODHA

In this edition of our Newsletter's special, we had a conversation with Dr R.C Lodha, who is an Insolvency Professional and a partner at AVM Resolution Professionals LLP.

1. How would you describe your experience as an Insolvency Professional along with your association with AVM Resolution Professionals LLP

In India, there are continuous efforts to simplify processes to enhance the ease of doing business. IBC, 2016 is a Game Changer, where 3E's - **EASY TO ENTER, EASY TO EXECUTE & EASY TO EXIT** play a significant role, because, Business is fraught with risk. As an Insolvency Professional, I have played, a link-pin role between Debtors & Creditors of the Company. IBC is not a mechanism of recovery, it is a process, where the ultimate Goal to have the Resolution. As an Insolvency Professional, one should explore all possibilities for the Resolution of the Corporate Debtor and Liquidation may be the last resort. The job of the Insolvency Professionals is to strengthen the other pillars of IBC, without which IBC cannot succeed in its objectives.

As regards to my association with AVM Resolution Professional LLP, AVM played a pivotal role in knowledge sharing, mentoring, monitoring, marketing and guidance from time to time. Wherever and whenever I felt derailed, AVM helped me to come back on track, with their proactiveness to complete the assignments.

2. You have seen the development of Debt restructuring laws over the years. What specific change do you believe can be incorporated in IBC to further expedite the process?

As a career Banker, I have practical experience of Debt Restructuring but it is not cent percent successful. IBC is a new **AVTAR** through which distressed companies may continue their business operations and transfer from one hand to another hand as a going concern is possible. For effective implementation of IBC, I suggest the following: -

i. Timeline to be fixed for every stakeholder in the process.

ii. The regulator may introduce, Code of Conduct/ model by-laws for CoC.

iii. Incentive-based remuneration for RP may be encouraged.

iv. Penalty provision for adjournments to be introduced.

v. Modification in Section-29A to allow promoter/ owner to participate in the Resolution Process unless they are not willful defaulter.

vi. IRP to be allowed to continue as RP unless there is a specific reason.

3. What are your thoughts on the sale of CD/assets of CD as a Going Concern? How do you see this change as an inclusive step towards the whole idea of resolution over recovery?

One of the objectives of CIRP under IBC is to facilitate the sale of CD's Assets as a Going concern for value maximization. As Insolvency Professionals, we have to create

a precedent to resolve and encourage Sale as a Going Concern, which is a very challenging task. The RP has to strategize with his marketing skills, networking, and continuous efforts, though it is an uphill task but greatly satisfying.

4. What are the practical considerations to be kept in mind by an Insolvency Professional while selling the CD as a going concern during the liquidation? Is there a time frame within which the same is to be executed?

In my experience, the liquidation of ongoing concern is not a bottleneck of CIRP. Some times CoC may not act prudently, or maybe because of some other reasons they prefer the CD to go for the liquidation. I believe that there are certain changes required in the time frame of execution.

5. In your experience as an RP/ Liquidator, what are the additional responsibilities that have to be undertaken by the RP/Liquidator for managing the Corporate Debtor as a going concern

Insolvency Professional have to undertake the following additional responsibilities, to have timely Resolution and be able to sell a CD as a going concern:-

i. To prepare a database of the CIRP company and compare it with other similar types of companies in the market.

ii. Create the website of the CIRP company (if not available) or fine-tune/robust the website with timely updates.

iii. To be in touch with the creditors /customers/competitors/stakeholders, invite them for meaningful discussions to participate in the process.

iv. To keep a reasonable/minimum amount of EMD to attract more Resolution applicants for participation.

6. Your thoughts on a Resolution Professional during a CIRP not having any adjudicating powers in case of verification of claims whereas, a liquidator during liquidation has been vested with adjudicating powers.

Regarding verification of the claims during the CIRP period, it is the duty of IRP/RP to receive/collate, verify and admit or not admit the submitted claims, as the case may be. Rejection power is not vested with the IRP/RP since IRP/RP does not have any adjudicating powers. As per the provision of IBC,2016 powers have not been delegated to IRP/RP as compared to the liquidator. I am of the view that adjudicating power shall remain with the adjudicating authority only because overall approval power is vested with them. Since, the liquidator has more responsibilities, he has the authority over the stakeholder committee. Therefore, I do not suggest any changes at this juncture.

7. You have been part of so many assignments, which assignment was the most challenging one for you to date.

I have started my practice during the year of 2020, and over the period of 15 months, I have come across and dealt with 06 cases out of which Agarwal Mittal Concast Private Limited is the most challenging due to the following reasons:-

1. Siphoning of funds and diversion of Hypothecated assets of the Financial Creditors.
2. Non-Cooperation from Suspended Directors in providing all kinds of information including BOAs and Tally data.
3. Resignation of Forensic Auditors and new appointment.
4. Filling of PUFE transaction reports to the NCLT.
5. Litigation of Section-138, Arbitration Cases and Multiple filling by operational Creditors of their claims.
6. Units are located at different locations.
7. Leasing out of the running units without permission from Financial Creditors.
8. A pending case in the Supreme Court of India for litigation in one of the lands mortgaged with the Financial Creditors.

8. With so many years of experience, what would you suggest for all our young professionals. Some necessary traits, ethics, and habits required to succeed in this profession.

As a Banker and Insolvency Professional, my suggestion to the young Professionals who are engaged in the insolvency ecosystem are:

i. Unethical Practices should be avoided, Keep Resolution as a target of the CIR Process.
ii. Knowledge is power, but the behaviour is more powerful, success depends on both.
iii. Basics of the Competency are with 4C's **Confrontation, Communication, Commitment & Collective Responsibility.**
iv. No assignment is small or big, not to be measured with the fees/ remuneration.
v. Insolvency Professional's career is very challenging but, one of the most rewarding too.

Number game behind the DHFL Case

In the first successful resolution under Financial Service Provider route of IBC, the Piramal Enterprises has acquired Dewan Housing Finance Limited (DHFL) for ₹34,250 crores.

Interesting facts and figures about the case:

- An upfront cash component of ₹14,700 crores and issuance of 10-year NCDs worth ₹19,550 crores.
- 94% of the creditors of DHFL had voted in favor of Piramal's resolution plan.
- Workmen and employee dues to be paid: 2.30 Cr.
- Operational Creditors (other than workmen and employees) 3.73 Cr.
- Assenting secured financial creditors: 33297 Cr
- Assenting unsecured financial creditors: 176.43 Cr
- Dissenting secured financial creditors: 1249 Cr

CONTACT US

DELHI NCR - CORPORATE OFFICE
8/28, (3rd Floor), WEA, Abdul Aziz Road, Karol Bagh, New Delhi-110005
011-41486026 / 27
Mr. Pawan Kumar Singal
+91 9560508482
pawansingal@avmresolution.com
Mr. Jagdish Singh Nain
+91 9873088243
jsnain@avmresolution.com

DELHI NCR - REGISTERED OFFICE
A-2/78, Safdarjung Enclave, New Delhi-110029
011-41486024 / 25
Mr. Manohar Lal Vij
+91 9811029357
Info@avmresolution.com/
mlvij@avmresolution.com

GUJARAT (AHMEDABAD)
Asit C. Mehta Financial Services Ltd.,
2nd Floor, Ambalal Avenue, Stadium Chaar Rasta, Off C G Road, Ahmedabad
Ms. Purvi Ambani
+91 9987066111
asit.mehta@avmresolution.com

CHANDIGARH / PANCHKULA
H. No. 402, GH – 23, Sector 20, Panchkula, Haryana – 134116
Mr. Inder Jeet Khattar
+91 9729452255
khattarinderjeet@avmresolution.com

MADHYA PRADESH (BHOPAL)
120 , Jharneshwar Colony, Madhuban Vihar, Hoshangabad Road, Bhopal – 462047, Madhya Pradesh
Dr. Vichitra Narayan Pathak
+91 9920166228
vnpathak@avmresolution.com

HARYANA (FARIDABAD)
301, Tower Gracious, SPR Imperial Estate, Sector 82, Faridabad, Haryana – 121004
Mr. Madan Mohan Dhupar
+91 9915031322
dhuparmm@avmresolution.com

MAHARASHTRA (MUMBAI)
Nucleus House, Saki Vihar Road, Andheri (E),
Mumbai, Maharashtra – 400072 022-28583450.
Mr. Mukesh Verma
+91 9820789105
mukeshverma@avmresolution.com

MADHYA PRADESH (INDORE)
911, Apollo Premier,
Near Vijay Nagar Sq. Indore-452010
Ms. Chaya Gupta
+91 9827022665
chayagupta@avmresolution.com

UTTAR PRADESH (LUCKNOW)
B – 13, Basement, Murli Bhawan, 10-A, Ashok Marg, Hazratganj, Lucknow, Uttar Pradesh- 226001
0522-4103697
Mr. Bhoopesh Gupta
+91 9450457403
bhoopesh@avmresolution.com

MAHARASHTRA (PUNE)
702 Tulip, Regency Meadows, Pune, Maharashtra
Mr. Hajib Raghavan Viswanath
+91 8806000324
viswanath@avmresolution.com

RAJASTHAN (BHILWARA)
E-5, Shraman Basant Vihar, Gandhi Nagar, Bhilwara, Rajasthan -311001
Mr. RC Lodha
+91 7042527528
rishabhlodha@avmresolution.com

RAJASTHAN (JAIPUR)
E-194, Amba Bari,
Jaipur, Rajasthan – 302039.
Ms. Anuradha Gupta
+91 9414752029
anuradhagupta@avmresolution.com

TAMIL NADU (CHENNAI)
5/5, Iswaryas Essodammai Aptts.,
#5 Madhava Mani Avenue, Velachery, Chennai,
Tamil Nadu- 600042
Mr. Mahesh Ananthachari
+91 9566124770
mahesh@avmresolution.com

WEST BENGAL (KOLKATA)
Diamonds Prestige Building
41A, AJC Bose Road, 6th Floor
Suite No. 609, Kolkata 700017

KARNATAKA (BANGLORE)
No. 8, 2nd Main, 9th Cross, Indiranagar I stage, Bangalore 560038