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Dated: 06/07/2018

To,

Bombay Stock Exchange Limited

Phiroze Jeejeebhoy Towers

Dalal Street

Mumbai- 400001

Dear Sir,

Subject- Intimation of Liquidation Process and appointment of Liquidator

In the Matter of: Samtel Color Limited

We hereby intimate your good office that Liquidation process has commenced in case of **Samtel Color Limited** (hereinafter referred to as 'Corporate debtor') under the provisions of Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'Code') by an order of Hon'ble National Company Law Tribunal, Principal Bench, New Delhi with effect from 4th July 2018. However, the order was received to the Liquidator on 6th July 2018.

As per provisions of Section 34(2) of the Code, all powers of the Board of directors and Key Managerial persons shall cease to have effect and such powers shall be vested with me, Mr. Sanjay Gupta, Insolvency Professional, Partner of AAA Insolvency Professional LLP (having IP Regn No. IBBI/IPA-001/IP-00117/2017-18/10252), who has been appointed as the Liquidator of the Corporate debtor under Section 34(1) of the code by the order of Hon'ble National Company Law Tribunal, Principal Bench, New Delhi (C.P. No. (IB) No. 132(PB)/2017). (Copy enclosed for your kind perusal).

It may further be noted that in consonance with the stipulations contained in Section 33(5) of the Code, when a liquidation order has been passed, no suit or other legal proceeding shall be instituted by or against the corporate debtor.

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In case the department wants to recover any dues amount from the proceeds of the liquidation of the liquidated company, then a claim in the appropriate Form-C, which can be filed as per the provisions of IBBI (Liquidation Process) Regulations, 2016.

The claim will be verified and scrutinized by the Liquidator and any amount due and eligible will be settled as per Section 53 of Insolvency and Bankruptcy Code, 2016.

Kindly acknowledge the receipt of this document.

Thanking you,
Yours faithfully,



Sanjay Gupta
Partner, AAA Insolvency Professionals, LLP.
Liquidator in the matter of Samtel Color Limited.
IP Registration no. IBBI/IPA-001/IP-00117/2017-18/10252

Enclosed:

- (a) A copy of the NCLT order dated 04.07.2018.

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IN THE MATTER

IN THE MATTER OF
Punjab National Bank
v.
Samtel Color

SECTION: Under
2016

Coram:
CHIEF JUSTICE
Hon'ble President

Sh. S. K. MOHLA
Hon'ble Member

PRESENTS
For the Petitioner
For the Respondent

M.M. KUMAR,

C.A. No. 474(PB)

This order
Resolution Prof
Bankruptcy Code
the application
Debtor in terms

Brief fact
application is t
Tribunal vide o

C.P. No. (18)-132(PB)/20
Punjab National Bank v

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Creditor (Punjab National Bank) under Section 7 of the Code. Mr. Sanjay Gupta was appointed to act as an Interim Resolution Professional (for brevity 'IRP'). A public announcement was made by IRP on 10.09.2017 in the newspapers namely Business Standard (English), Rashtriya Sahara (Hindi), NCR edition for intimating the commencement of Corporate Insolvency Resolution process of the Samtel Color Limited. Accordingly, claims were filed by the creditors and others before him. A first meeting of committee of creditors (for brevity 'CoC') was held on 06.10.2017 wherein all the members of the CoC confirmed the appointment of Mr. Sanjay Gupta as Resolution Professional (for brevity 'RP') which was done through E-Voting. The IRP had appointed two valuers who have assessed the liquidation value of the assets of the Corporate Debtor. Thereafter the RP published an Expression of Interest on 11.12.2017 in a newspaper namely Business Standard Delhi NCR region edition for inviting the resolution plans for the resolution of the Corporate Debtor. On 05.01.2018 expression of interest was received by the RP from one resolution applicant namely Multi Metals Limited.

In the Fourth Meeting of CoC dated 29/01/2018, Resolution Applicant namely Multi Metals Limited presented the Outlines of their Resolution Plan with a bid of Rs. 140 crores. However, the CoC after detailed discussion on the same concluded that the bid amount was too low and the time period of three years was too long. The resolution applicant, Multi Metals Limited had sought 48 hours from the CoC for

submitting the revised resolution
CoC and the agenda for Liquidat
one of the member of the COC,
Meeting, the Agenda was recomm

Subsequently the Resolution
PM, submitted the revised Resolu
which was circulated to all CoC M
mail, for consideration. However,
the CoC members except Edelweiss
financial creditor-Edelweiss having
same day submitted its preliminary
to all financial creditors and the
considering the resolution Plan s u
stated that the process of liquid
02/02/2018 draft minutes were cir
their observations within 48 hour
therefore, the same were circulated a
the e-voting was scheduled to be h
which was conveyed to all the COC

The fourth Meeting of CoC was
it was resolved by the CoC with 96.
authorised to file an application ur

of the Code for liquidating the co
recommended to act as a liquidator.

As the 180 days of Corporate In
brevity 'CIR Process') period was to exp
the fifth meeting of CoC held on 02.05.
CIR process period by 90 days was app
unanimously. Vide order dated 14.05.
prayer for extension of CIR Process per
In the said meeting agenda was also cir
with 99.92% of voting share for pu
interest. Various parameters for the b
in the said meeting. Multi Metals Limi
in the said meeting. However, the s
attend the meeting because of the
aforesaid approval of the CoC, RP publ
the newspapers as well as
www.insolvencyandbankruptcy.in and
namely www.samtelgroup.com for put
the CIR Process of Corporate De
management etc.

Subsequently the Resolution
Limited enquired regarding the sa
corporate debtor (month wise) to the W

enquired about the details/status of various unions in Hon'ble High Courts of Shimla, Hon'ble Supreme Court of India and the orders by Hon'ble High Courts of Shimla, Jaipur, Supreme Court of India in respect of labour from Greater Noida Authority, UPSIDC & details to them with full explanations.

The Resolution Applicant-Multi Metals refused to provide aforesaid details from the RP and after and telephonic conversation refused to submit of the two reasons, firstly that there are and aggressive nature Labours and relations regarding submission of EMD of Rs. 5 crore

The RP however clarified both the Resolution Applicant in light of the amendment (3) of regulation 39 by inserting sub-regulation Resolution Process for Corporate Person 2018.

Thereafter on 21/05/2018, at 10:53 from Resolution Applicant-Multi Metals Limited treated to have pulled out from the process plan.



The RP also directed the Transactions Department of AAA Insolvency Professionals LLP to have meeting with the property dealers, interested customers or buyers to submit resolution plans. Consultations and clarifications meetings were also held with union leaders of the Corporate Debtor with respect to share the details of the interested buyers for submitting the resolution plan.

A preliminary inquiry was received from the Eight Capital as they were exploring investment opportunities among companies that have been referred to this Tribunal for insolvency proceedings. However, no information and clarification were received from them despite reminders sent by the RP.

Despite repeated efforts and meetings with dealers in the search of the prospective resolution applicant no expression of interest was received by the RP for the revival of the corporate debtor.

In the sixth meeting, it was resolved with 98.44% voting share for liquidation of the Corporate Debtor and recommended for filing liquidation application under the provisions of the Code.

In light of directions issued by the Tribunal, the RP thereafter filed comprehensive certificate vide diary No. 3976 dated 13.06.2018 certifying that all the steps have been taken by him in accordance with the provisions of the Code and Regulations thereunder.



We have thoughtfully considered the submissions made on behalf of the Resolution Professional in respect of the application (C.A. No. 474(PB)/2018) and are of the view that the application filed by the Resolution Professional under Section 33 (2) of the Code deserves to be accepted. The reasons are that despite public notice issued inviting a resolution plan no resolution plan has been received and the resolution plan which was earlier submitted by the Resolution Applicant-Mutual Metals Limited, has been subsequently withdrawn for the reasons discussed in preceding paras. The decision of CoC is unanimous. The Commercial wisdom of the Committee of Creditors is ordinarily accepted and interference with it is an exception. The Commercial wisdom in such like circumstances and the decision by the Committee of Creditors merits our approval. There is thus no option except to approve the view of CoC.

Accordingly, we allow the application namely C.A. No. 474(PB)/2018 and declare that the Corporate Debtor be liquidated in the manner as laid down in Chapter-III. A public notice stating that the Corporate Debtor is in liquidation shall be issued by the Liquidator. A copy of this order be sent to the authorities with which the Corporate Debtor is registered. Subject to the provisions of Section 52 of the Code, no suit or other legal proceedings ought to be instituted by or against the Corporate Debtor. However, leave is granted to the Liquidator to

institute any proceeding on behalf of the Corporate Debtor with the prior approval of the Adjudicating Authority-NCLT. It is also clarified that the aforesaid condition is not to apply to legal proceedings in relation to such transaction as may be notified by the Central Government in consultation with the Financial Sector Regulator. It is further clarified that the order of liquidation being passed today shall be deemed to be a notice of discharge to the officers, employees and the workmen of the Corporate Debtor. Accordingly, we direct the RP, Mr. Sanjay Gupta to act as a Liquidator. As a Liquidator he is to first pay the dues of insolvency resolution process costs if any paid by the IRP or RP as per the provisions of Regulation 53 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation, 2016. The Liquidator so appointed shall perform all his duties as given in details in Section 55 of the Code and submit his reports from time to time as per the requirement of the provisions of the Code, Regulations and the Rules.

The application is disposed of in the above terms.



(M.M. KUMAR)
PRESIDENT



(S.K. MOHAPATRA)
(MEMBER TECHNICAL)

04.07.2018

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C.P. No. (IB)-132(PB)/2017

Punjab National Bank v. Samtel Colour & Ors.

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