

NATIONAL COMPANY LAW TRIBUNAL  
AMARAVATI BENCH

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TCP (IB) No. 28/7/AMR/2019  
[CP (IB) No. 18/7/HDB/2019]

Under Section 7 of the Insolvency and Bankruptcy Code, 2016 read with  
Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating  
Authority) Rules, 2016

In the matter of SEMBMARINE KAKINADA LIMITED

Between:

AXIS BANK LIMITED  
"Trishul", 3<sup>rd</sup> Floor,  
Opposite Samartheshwar Temple,  
Near Law Garden, Ellisbridge,  
Ahmedabad – 380 006.

... Petitioner/Financial Creditor

And

SEMBMARINE KAKINADA LIMITED,  
Kakinada Deep Water Port,  
1<sup>st</sup> Floor, OSV Complex, Beach Road,  
Kakinada, East Godavari,  
Andhra Pradesh – 533 007.

... Respondent/Corporate Debtor

Date of Order: 23.09.2019

**CORAM:**

Hon'ble Janab Mohammed Ajmal, Member Judicial

**Appearance:**

For Petitioner : Mr. B. Sri Ram Reddy, Advocate

For Respondent : Mr. V. Venkata Rami Reddy, Advocate

**ORDER**

1. This is a Petition under section 7 of the Insolvency & Bankruptcy Code 2016 (the Code for short) by the Financial Creditor seeking initiation of Corporate Insolvency Resolution Process (CIRP) of the Respondent (Corporate Debtor).

*M. J. Reddy*  
23/9/19

2. The Respondent is a company (CIN U74900AP2009PLCO65785) incorporated under the Companies Act 1956 on 11.11.2009. Its main objects *inter-alia* was to carry on business as an offshore supply based entity and to provide facilities and services related to offshore oil and gas industry. The initial Authorised share capital of the Company was Rs.225,00,00,000/-, divided into 22,50,00,000 equity shares of Rs.10/- each. The Respondent approached the Petitioner for a lending arrangement and created securities over its immovable properties, plant & machinery as well as pledging its shares etc. The Respondent also executed deed of hypothecation and mortgage. Between 22.03.2011 and 23.06.2016 the Respondent availed a total loan of Rs. 444,81,00,000/- including over drafts, bank guarantee and term loans. The Respondent could not repay the debt in time and discharge his liability. An amount of Rs. 417,09,13,610/- (Rupees Four Hundred Seventeen Crores Nine Lakhs Thirteen Thousand Six Hundred and Ten only) was outstanding against the company as on 31.03.2018. The petitioners served demand notice on the Respondent on 23.08.2017 calling upon it to clear the outstanding dues within 7 days. Since the debt was not cleared and the Respondent remained in default the petitioner approached this Tribunal under section 7 of the Code through an Application dated 27.11.2018.

3. The Respondent after its appearance wanted to settle the matter by contacting prospective investors from India and abroad. The effort however could not succeed and the present orders came to be passed.

4. During hearing the Respondent admitted the debt secured by mortgages and hypothecations. From the statement of accounts it is clear that there has been a default in payment of the debt. The record of default is clear from the statements of accounts. The petitioner has suggested the name of Mr. Om Prakash Agarwal, as Interim Resolution Professional (IRP) and has also enclosed his written consent. No disciplinary proceeding is pending against the proposed IRP as ascertained from the website of the IBBI. The Petition is otherwise complete. The existence of default being

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23/9/19

admitted and is apparent from the materials available on record, I am satisfied that the Petition needs to be admitted. Hence ordered.

**ORDER**

- i. The Company Petition is admitted on contest.
- ii. The Corporate Insolvency Resolution Process of the respondent shall commence from this date and shall be completed within 180 days hence, as provided under Section 12(1) of the Code.
- iii. Shri Om Prakash Agarwal, [Registration No. IBBI/IPA-001/IP-P00906/2017-2018/11506, having office at BIA Merlin Chamber, 18, British Indian Street, 5<sup>th</sup> Floor, Rom No.403, Kolkata – 700 069, West Bengal; e-mail ID: opagarwal11@gmail.com] is appointed as the Interim Resolution Professional (IRP).
- iv. He is directed to take charge of the Respondent/Corporate Debtor's management forthwith and take necessary steps in furtherance of the CIRP in terms of Sections 13(2), 15, 17, 18 and 20 of the Code and Rules made there under.  
Moratorium under Section 14 of the Code in respect of the Respondent is hereby declared.  
The Directors, promoters or any other person associated with the management of the Respondent shall extend all assistance and cooperation to the IRP as stipulated under section 19 of the Code for effective discharge of his functions there under.
- vii. The Registry is directed to communicate the order to the Petitioner/Financial Creditor and the Respondent/Corporate Debtor.
- viii. The petitioner/OC and the Registry are also directed to send the copy of this order to IRP for necessary compliance.



*M. Ajmal*  
23/9/19  
(MOHAMMED AJMAL)  
MEMBER JUDICIAL

प्रमाणित प्रति TCP (IB) No. 28/7/AMR/2019.  
CERTIFIED TRUE COPY  
केस संख्या  
CASE NUMBER..... CP (IB) No. 18/7/HDB/2019.  
निर्णय का तारीख  
DATE OF JUDGEMENT..... 23/9/19  
प्रति वैधता दिवस मध्य तारीख  
COPY MADE READY BY 25/9/19.

*[Signature]*  
Dy. Regr./Asst. Regr./Court Officer  
National Company Law Tribunal, Hyderabad Bench