

Rosita Fernando,
Interim Resolution Professional,
M/s. Expertus Infotech Pvt. Ltd.,
Plot No.245, 11th Street,
Kothari Nagar, Ramapuram,
Chennai – 600 089

... Applicant

**APPLICATION FILED UNDER SECTION 60(5) OF THE INSOLVENCY
AND BANKRUPTCY CODE, 2016 READ WITH RULE 11 OF THE
NATIONAL COMPANY LAW TRIBUNAL RULES, 2016**

**M/s. S. CLARA HEPSIBA (3921/2019) &
P.PRASHANTH (7900/2022)
COUNSEL FOR APPLICANT
Cell No: 90800 22137
BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
AT CHENNAI - BENCH II**

Rosita Fernando,
Iterim Resolution Professional,
M/s. Expertus Infotech Pvt. Ltd.,
Plot No.245, 11th Street,
Kothari Nagar, Ramapuram,
Chennai – 600 089

... Applicant

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Dated at Chennai this 30th Day of January, 2025

Counsel for Applicant

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
AT CHENNAI - BENCH II**

IA(IBC)/ (CHE)2025

IN

CP/IB(IBC)/214/(CHE)/2023

IN THE MATTER OF INSOLVENCY AND BANKRUPTCY CODE, 2016

AND

IN THE MATTER OF M/s. EXPERTUS INFOTECH PRIVATE LIMITED

Rosita Fernando,
Interim Resolution Professional,
M/s. Expertus Infotech Pvt. Ltd.,
Plot No.245, 11th Street,
Kothari Nagar, Ramapuram,
Chennai – 600 089

... Applicant

**APPLICATION FILED UNDER SECTION 60(5) OF THE INSOLVENCY AND
BANKRUPTCY CODE, 2016 READ WITH RULE 11 OF THE NATIONAL
COMPANY LAW TRIBUNAL RULES, 2016**

I. DETAILS OF APPLICATION:

a) Particulars of the Applicant:

Rosita Fernando, Interim Resolution Professional of M/s. Expertus Infotech Private Limited, having office at Plot No.245, 11th Street, Kothari Nagar, Ramapuram, Chennai – 600 089.

b) Address for service of notices and processes on the Applicant:

M/s. S. Clara Hepsiba & P. Prashanth, Advocates having Office at No.397, Precision Plaza, Third Floor, Teynampet, Chennai - 600 018.

II. JURISDICTION OF THE BENCH: -

The Applicant declares that the subject matter of the present Application is within the Jurisdiction of this Hon'ble Bench, as this Hon'ble Bench has subjected the Corporate Debtor, M/s. Expertus Infotech Private

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Limited to Corporate Insolvency Resolution Process in CP(IB)/214(CHE)/2023.

III. LIMITATION, IF APPLICABLE: -

The Limitation is not applicable to this Application.

IV. FACTS OF THE CASE ARE GIVEN BELOW:

The Applicant above named humbly submits as follows:-

1. The Applicant herein is the Interim Resolution Professional of the Corporate Debtor, M/s. Expertus Infotech Private Limited having been appointed as Interim Resolution Professional by this Hon'ble Adjudicating Authority by order dated 20.12.2024 in CP/IB(IBC)/214/(CHE)/2023. The copy of the above Order is annexed herewith as **Annexure - 1**.
 2. The Applicant having been appointed as the Interim Resolution Professional published a Public Announcement in Form-A as mandated under Section 15 of the IB Code, 2016 and Regulation 6 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, inviting claims from all the Creditors concerned in the matter of the Corporate Debtor. The said Public Announcement was published in the daily edition of 'Business Standard' (English) and 'Dinamani' (Tamil), having circulation throughout the State of Tamilnadu on 24.12.2024 fixing the last date for submission of claims on or before 04.01.2025 and also in the website of IBBI at www.ibbi.gov.in. There is no website belonging to the Corporate Debtor.
- 3-
3. The Applicant intimated the initiation of Corporate Insolvency Resolution Process "CIRP" to the Corporate Debtor to its office address by Speed Post and by an Email. After making the Public Announcement, the Applicant received 2 (two) Claims from the Operational Creditors in Form – B to a tune of

Rs. 1,25,43,185/- (Rupees One Crore Twenty-Five Lakhs Forty-Three Thousand One Hundred and Eighty-Five Only) and the same is verified and admitted by the Applicant as per Regulations 13 and 14 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

4. The Applicant did not receive any claims in Form – C, Form - D, Form - E, and Form – F from any of the Financial Creditors, Workmen/ Employees, and Authorised Representative of Workmen/ Employees. As there are no claims from the Financial Creditors and Other Creditors, the claims from them stand NIL. Therefore, as per Regulation 16 of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016, the Applicant constituted the Committee of Creditors (COC) comprising of 2 (two) Operational Creditors. Subsequently, the Applicant received an additional claim from the EPFO, Chennai, amounting to Rs. 2,63,72,341/- (Rupees Two Crore Sixty-Three Lakhs Seventy-Two Thousand Three Hundred and Forty-One Only), which has been admitted in the category of Operational Creditors. As a result, the Committee of Creditors has been reconstituted to include the claim of EPFO, Chennai. A copy of the report on the Reconstitution of the CoC is annexed herewith as **Annexure No. 2**.

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5. Furthermore, the Applicant issued notices to all members of the Committee of Creditors ("CoC") including EPFO, Chennai and convened the first CoC meeting on 24.01.2025, which was attended by the representatives of the Operational Creditors as well as the representatives of the suspended directors. During the said meeting, it was resolved that Ms. Rosita Fernando (Regn No: IBBI/IPA-003/ICAI-N-00452/2024-2025/14405) be appointed as the Resolution Professional. A copy of the minutes of the First CoC meeting, along

with the voting sheet, is annexed herewith as **Annexure No. 3**.

6. The Applicant is now filing the present Application in order to place on record the Report on the Re-constitution of the Committee of Creditors ("CoC") and the minutes of the First CoC meeting, thereby confirming the appointment of the Applicant, IRP as the Resolution Professional.

V. RELIEFS SOUGHT FOR:

For the reasons stated above, the Applicant prays that:-

- a) That this Hon'ble Adjudicating Authority may be pleased to take on record the Report on the reconstituted Committee of Creditors and Minutes of the First Meeting of CoC, thereby confirming the appointment of the Applicant, IRP as the Resolution Professional; and
- b) To pass such other orders or further orders which may be deemed to be fit and proper in the interest of justice.

Dated at Chennai on this 30th day of January 2025

APPLICANT

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

AT CHENNAI - BENCH II

IA(IBC)/ / (CHE)2025

IN

CP/IB(IBC)/214/(CHE)/2023

IN THE MATTER OF INSOLVENCY AND BANKRUPTCY CODE, 2016

AND

IN THE MATTER OF M/s. EXPERTUS INFOTECH PRIVATE LIMITED

Rosita Fernando,
Interim Resolution Professional,
M/s. Expertus Infotech Pvt. Ltd.,
Plot No.245, 11th Street,
Kothari Nagar, Ramapuram,
Chennai – 600 089

... Applicant

VERIFYING AFFIDAVIT

I, Rosita Fernando, D/o. Gregory Fernando, aged 57 years, Regn: IBBI/IPA-003/ICAI-N-00452/2024-2025/14405, Interim Resolution Professional of M/s. Expertus Infotech Private Limited, having office at Plot No.245, 11th Street, Kothari Nagar, Ramapuram, Chennai – 600 089, do hereby solemnly affirm and sincerely state as follows:-

1. I state that I am the Resolution Professional/Applicant herein and as such I am well acquainted with the facts of the case.
2. I state that the averments set out in Paragraph Nos. I to IV of the Application herein, are true to the best of my knowledge, belief and information and Paragraph No.V is the relief sought for herein.

| | | |
|-----------------------------------|---|------------|
| Solemnly affirmed at Chennai on | } | |
| this 30th January 2025 and signed | } | |
| her name in my presence | } | Before Me, |

Advocate, Chennai.

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

AT CHENNAI - BENCH II

IA(IBC)/ **/(CHE)2025**

IN

CP/IB(IBC)/214/(CHE)/2023

Rosita Fernando,
Interim Resolution Professional,
In the matter of M/s. Expertus Infotech Pvt. Ltd. ... Applicant

VAKALATH

I, Rosita Fernando, D/o. Gregory S Fernando, Regn:IBBI/IPA-003/ICAI-N-00452/2024-2025/14405, Interim Resolution Professional - Corporate Debtor, M/s. Expertus Infotech Private Limited (CIN:U72200TN2001PTC048176), having office at Plot No.245, 11th Street, Kothari Nagar, Ramapuram, Chennai – 600 089, Applicant herein, do hereby appoint and retain, **M/s. S.Clara Hepsiba (3921/2019) & P.Prashanth (7900/2022)**, Advocates to appear for us in the above Miscellaneous Application and to conduct

and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. We empower our Advocate to appear in all miscellaneous proceedings in the above matter till all decree or orders are fully satisfied or adjusted and, in all appeals, thereto and applications in execution till they are finally disposed of by National Company Law Tribunal and to obtain the return of documents and draw moneys that might be payable to us in the above matter. The said Counsel is also authorized to file appeals before National Company Law Appellate Tribunal and appear before it. They are also authorized to depute other counsels to act on their behalf.

Executed before me

Dated at Chennai on this 30th Day of January, 2025

ACCEPTED: The Address for service of the said Advocate is at 397, Precision Plaza, 3rd Floor, Anna Salai, Teynampet Chennai – 600018.

30/01/2025, Chennai

Counsel for Applicant

**IN THE MATTER OF CORPORATE INSOLVENCY RESOLUTION
PROCESS UNDER THE INSOLVENCY AND BANKRUPTCY
CODE 2016 (CODE)
IN THE MATTER OF M/s EXPERTUS INFOTECH PRIVATE LIMITED
(CORPORATE DEBTOR OR CD)
(CIRP VIDE ORDER DATED 20-12-2024 BY NCLT CHENNAI BENCH –
IIIN CP/IB(IBC)/214/CHE/2023)**

January 28, 2025

To

National Company Law Tribunal,
Chennai Bench, Chennai- 600 001.

From

ROSITA FERNANDO
INTERIM RESOLUTION PROFESSIONAL
ExpertusInfotech Private Limited
245, 11th Street, Kothari Nagar
Ramapuram, Chennai - 600089

REGN NO: (IBBI/IPA-003/ICAI-N-00452/2024-2025/14405)

Dear Sir/Madam

Sub: Report on Re-constitution of Committee of Creditors - M/s. EXPERTUS INFOTECH PRIVATE LIMITED (Corporate Debtor)

Ref: order dated 20.12.2024 in CP/IB(IBC)/214/CHE/2023

1. The Application for Corporate Insolvency Resolution Process filed by M/s EXPERTUS INFOTECH PRIVATE LIMITED, CORPORATE DEBTOR under Section 10 of the Insolvency and Bankruptcy Code read with applicable Rules of Insolvency and Bankruptcy(Application to Adjudicating Authority) Rules 2016 was admitted by National Company Law Tribunal Chennai Bench - I, Chennai vide order dated 20-12-2024 in CP/IB(IBC)/214/CHE/ 2023 wherein, the undersigned, ROSITA FERNANDO, Insolvency Professional was appointed as Interim Resolution Professional who is directed to take necessary actions in accordance with the relevant provisions of the Insolvency and Bankruptcy Board of India.
2. In compliance with Regulation 17(1) of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for corporate Persons)Regulation 2016, a report dated 10.01.2025 on constitution of Committee of Creditors, on the basis of the claims admitted upto 04.01.2025, was duly filed by the undersigned with the Ho'nble NCLT, Chennai Bench. Subsequently, the Undersigned received an additional claim from the EPFO, Chennai, amounting to Rs. 2,63,72,341/- (Rupees Two Crore Sixty-Three Lakhs Seventy-Two Thousand Three Hundred and Forty-One Only), which has been admitted in the category of Operational

Creditors. As a result, the Committee of Creditors has been reconstituted to include the claim of EPFO, Chennai.

3. In compliance with the Regulation 13 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulation, 2016, claims received from creditors, including claim of EPFO, Chennai, have been updated. A report certifying the re-constitution of Committee of Creditors is enclosed as Annexure- A.

ROSITA FERNANDO
INTERIM RESOLUTION PROFESSIONAL
M/s. EXPERTUS INFOTECH PRIVATE LIMITED
ANNEXURE- A

REPORT ON RE-CONSTITUTION OF COMMITTEE OF CREDITORS

In compliance of the order dated 20-12-2024 passed by this Hon'ble Tribunal and provisions of Insolvency and Bankruptcy Code 2016 "Code" and Regulations there under:

1. As per Regulation No. 6, Public Announcement was made in (a) two newspaper namely "Business Standard", English daily and "Dinamani" Tamil daily news paper, on 24.12.2024 and (b) website of Insolvency and Bankruptcy Board of India at "www.ibbi.gov.in".
2. As per Regulation No. 6 the Intimation of Initiation of Corporate Insolvency Resolution Process "**CIRP**" was sent to the CD at its office address given in the order by Speed Post and by email.
3. The public notice sought proof of claims from financial creditors in

Form C as stipulated in Regulation 8. Till the last date of claim, the interim resolution professional did not receive any claim.

4. The public notice sought proof of claims from operational creditors in Form B as stipulated in Regulation 7. Till the last date of claim the undersigned interim professional has received claims from the operational creditors to the tune of Rs. 1,27,73,055/- and an amount of Rs 1,25,43,185/-admitted.
5. The public notice sought proof of claims from workmen/employees in Form D/Form E/FORM F as stipulated in Regulation 9. Till the last date of claim the undersigned interim professional has not received any claims from the workmen/employees/Authorised representative of workmen/employees.
6. Based on the above, and as there are no financial creditors, according to Regulation 16, undersigned constituted Committee of Creditors “**COC**” comprising of 2 operational creditors as under:

| S.NO | Name and address of the Operational Creditor | Admitted Claim (Amount in Rs.) | Voting Right in COC |
|------|---|--------------------------------|---------------------|
| 1 | The Income Tax Officer Corporate Ward 2(1) Chennai Room No 515, Vth Floor, Wanaparthi Block, 121, M.G.Road Nungambakkam – 600034 Chennai.ito.c2.1@incometax.gov.in | 1,22,91,305 | 98% |
| 2 | SPAB & CO #5,Maryam Manzil, B Block, 2 nd Floor, 3 rd Main Road, Dhandeeswaram Nagar Velachery, Chennai 600042 | 251880 | 2% |
| | TOTAL | 1,25,43,185 | 100.00 |

7. Thereafter, a new claim from Employees Provident Fund Organisation, Regional Office, Chennai operational creditor was received to the tune of Rs 2, 63,72,341/- on 17-01-2025. After due verification of claim, the claim was admitted on 19-01-2024. The revised COC was constituted on the date as given below,

| S.NO | Name and address of the Operational Creditor | Admitted Claim (Amount in Rs.) | Voting Right in COC |
|------|--|--------------------------------|---------------------|
| 1 | The Income Tax Officer Corporate Ward 2(1) Chennai Room No 515, Vth Floor, Wanaparth Block, 121, M.G.Road Nungambakkam – 600034 Chennai.ito.c2.1@incometax.gov.in | 1,22,91,305 | 31% |
| 2 | SPAB & CO #5,Maryam Manzil, B Block, 2nd Floor, 3rd Main Road, Dhandeeswaram Nagar Velachery, Chennai 600042 | 2,51,880 | 1% |
| 3 | Employees Provident Fund Organsation, Regional Office, Chennai | 2,63,72,341 | 68% |
| | TOTAL | 3,89,15,526 | 100.00 |

8. The notice for first meeting of Committee of Creditors to be held on 24-01-2025 was circulated on 19-01-2025, including EPFO, RO Chennai. The first COC meeting was held on 24-01-2025 with the revised Committee of Creditors

ROSITA FERNANDO
INTERIM RESOLUTION PROFESSIONAL
M/s. EXPERTUS INFOTECH PRIVATE LIMITED