

IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH, (COURT NO.-II)  
KOLKATA

I.A.(I.B.C)1925(KB)2025

In

C.P.(IB)1634(KB)2018

An application under Section 35(f) of the Insolvency and Bankruptcy Code, 2016 and Regulation 33(2) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016;

AND

IN THE MATTER OF

ALLIANCE BROADBAND SERVICES  
PRIVATE LIMITED

...Financial Creditor

VERSUS

MANTHAN BROADBAND SERVICES PRIVATE  
LIMITED (IN LIQUIDATION)

...Corporate Debtor

AND

IN THE MATTER OF:

MR. SANDIP MITRA, Liquidator Of The  
Corporate Debtor, Manthan Broadband  
Services Private Limited (in  
Liquidation) bearing IBBI Regn. No.  
IBBI/IPA-001/IP-P00497/2017-18/10885  
and having his office at 53/C,  
Harish Mukherjee Road, Kolkata -  
700025.

**CORAM:**

**MR. LABH SINGH, HON'BLE MEMBER (JUDICIAL)**

**MS. REKHA KANTILAL SHAH, HON'BLE MEMBER (TECHNICAL)**

**APPEARANCES (Via Hybrid mode):**

Mr.Shaunak Mitra,Adv. ] For Liquidator

Mr.Avik Chaudhuri,Adv. ]

Ms.Shruti Majumdar,Adv. ]

**Order Pronounced On:22.6.2026**

**O R D E R**

(Hearing through Hybrid Mode)

**LABH SINGH, JUDICIAL MEMBER**

1. This is an application filed by the applicant, being liquidator of Manthan Broadband Services Private Limited, the Corporate Debtor, under Section 35(f) of the Insolvency and Bankruptcy Code, 2016 and Regulation 33(2) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 read with Rule 11 of the National Company Law Tribunal Rules, 2016 seeking following reliefs:

- a) *An order be passed allowing the private sale of the said unsold assets of the Corporate Debtor being electronic scrap, office equipment, furniture and fixtures, to the highest bidder/proposer in terms of*

*Regulation 33 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016;*

- b) *An Order be passed allowing the private sale of the said unsold assets of the Corporate Debtor being electronic scrap and office furniture, to such other prospective proposers/bidders that the Liquidator may deem fit and appropriate with prior consultation of the Stakeholders Consultation Committee, in terms of Regulation 33 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 in the event the sale to the selected highest bidder fails and/or is cancelled for any reason whatsoever;*
- c) *Pass any other orders/directions as this Tribunal may deem fit and proper in the interests of justice and to safeguard the rights of the stakeholders under the IBBI (Liquidation Process) Regulations, 2016, and the Insolvency and Bankruptcy Code, 2016.*
2. The Financial Creditor, Alliance Broadband Services Limited filed an application being CP(IB) No. 1634/2018 under Section 7 of the Insolvency and Bankruptcy Code, 2016(for short “IBC 2016”) for initiation of Corporate Insolvency Resolution Process(for short “CIRP”) against the Corporate Debtor and the same was admitted by this Adjudicating Authority vide order dated 18.09.2019.
3. The CIRP process failed and consequently this Tribunal, vide

order dated 06.04.2022, allowed the Liquidation of the Corporate Debtor under Section 33 of the IBC 2016 and Mr. Kuldeep Verma was initially appointed as the Liquidator. Thereafter, the present applicant was appointed as Liquidator on 26.06.2025, replacing the erstwhile Liquidator.

4. The Corporate Debtor hold various assets including electronic items, office furniture stored at its registered office, a Godown at Mollargate, 13 motor vehicles, 13.095 acres of land at Tajpur, and current assets as per the unaudited balance sheet dated 18.09.2019. There were certain unsold assets specifically the land at Tajpur, current assets, the electronic scrap and office equipment/furniture at the Ganesh Chandra Avenue and Mollargate locations, at the time of charge handover to the present Liquidator.
5. The Liquidator conducted twelve (12) e-auctions during the liquidation process to sell assets classified under the Plant and Machinery category which included the aforesaid unsold assets. The auction sale notices were issued between January 2023 and March 2025 at reduced reserve price from time to time. Despite reduction in reserve price from time to time, the e-auctions failed for want of eligible bidders.
6. The unsold assets consist of obsolete electronic scrap such as old set-top boxes, remotes, adapters, as well as office furniture like sofas and steel chairs stored at the registered office and the Mollargate Godown. The electronic items are

treated as scrap due to technological changes and having lost its useful life. The continued retention of these assets has incurred a substantial financial burden. The SCC Members have been compelled to incur significant lease rental expenses including a recurring monthly rental of Rs. 2,44,527/- for the Ganesh Chandra Avenue premises and Rs. 30,000/- for the Mollargate warehouse. The cumulative lease rental already paid for the Ganesh Chandra Avenue premises alone amounts to Rs. 1,81,89,508/-, and further outstanding dues of Rs. 3,58,83,517/- have been claimed by the landlord as of September 2025. Similarly, the outstanding lease rental for the Mollargate Warehouse is Rs. 21,30,000/- as of 30.09.2025.

7. The SCC, in light of the recurring monthly expenditure of Rs. 2,74,572/- and the rapid deterioration in value of the electronic equipment due to technological obsolescence, in its 13<sup>th</sup> Meeting held on 19.08.2025 resolved to explore selling these assets through a private sale mode under Section 35(f) of the IBC 2016 and Regulation 33(2) of IBBI(Liquidation Process) Regulation 2016. Consequently, the Liquidator approached prospective purchasers and received five (5) quotations by September 2025, with the highest bidder being N.R. Enterprise at Rs. 24,00,000/-. These proposals were placed before the SCC in its 14<sup>th</sup> meeting held on 26.09.2025, where members conveyed their approval for the sale of assets to the highest bidder.

8. It has further been submitted that subsequently, two additional interested parties submitted quotations in October and November 2025; however, their bids were lower than the highest proposal already received. A composite list of seven bidders identifies N.R. Enterprise was the highest proposer at Rs. 24,00,000/-, while the reserve price as per the last failed e-auction was Rs. 44,05,000/-. To reach the proposed private sale value through successive e-auctions with 10% reductions would require approximately six more months, during which time the recurring rental expenditure would amount to approximately Rs. 16 lakhs.
9. The SCC, in its 15<sup>th</sup> Meeting held on 28.11.2025, further deliberated on the terms and conditions for this private sale which include the issuance of a Letter of Intent, full payment within 3 days, and removal of materials within 14 days on “as is where is” basis.
10. It is submitted that while the average liquidation value for these electronic items and furniture was previously stated as Rs. 77,48,124/-. The realisable value has undergone accelerated depreciation due to technological obsolescence.
11. It is submitted that the decision to conduct a private sale has been necessitated by the facts that the continued retention of these unsold assets has resulted in a steady depletion of stakeholder resources in the form of recurring monthly lease rental expenditure, without yielding any

corresponding benefit besides the day-by-day deterioration of the value of assets stored therein.

12. It is further submitted that despite a cumulative reduction from the average liquidation value, multiple attempts to dispose of the assets through e-auction have failed to attract any successful bids. The SCC is of the view that in order to prevent further losses, sale through the private mode is appropriate.
13. It is submitted that the SCC Members resolved that the assets should be disposed of expeditiously and the premises vacated, with efforts undertaken to explore private sale mechanisms considering the continuing deterioration in value and the recurring monthly expenditure incurred for their storage. Once the assets are cleared, the Corporate Debtor will require only a minimal space for its registered office, which would significantly reduce the monthly rental expenditure.
14. It is further submitted that Section 35(f) of the IBC 2016, and Regulation 33(2) of the IBBI (Liquidation Process) Regulations, 2016, permit the Liquidator to conduct a private sale during the liquidation process when the asset is likely to deteriorate in value significantly if not sold immediately.
15. It is further submitted that the above provisions squarely applies to the assets in question, the value of which has considerably been depleted even in the course of the present proceedings. None of the proposed buyers are related parties

to the Corporate Debtor, the Liquidator, or any professional appointed by the Liquidator. Under Regulation 31(2), the Liquidator is responsible for protecting and preserving the assets of the liquidation estate. Furthermore, the commercial wisdom of the SCC, though not binding, is a material consideration especially when the decision is grounded in the preservation of value and prevention of wasteful expenditure.

16. It is submitted that recourse to a private sale has become not only justified but necessary to safeguard the value of the liquidation estate and to prevent further depletion of stakeholder resources.
17. Heard Learned Counsel appearing for the Liquidator. We have gone through the case file carefully and perused the pleadings and documents placed on record by the Liquidator and heard the arguments put forth by learned Counsel for the Liquidator; and after hearing the learned counsel for the Liquidator, we shall now proceed to consider the applications on its merits.
18. The Liquidator, in pursuance to the resolutions passed in the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> SCC meetings, identified prospective purchasers and received seven quotations, with N.R. Enterprise being the highest proposer (L1) at Rs. 24,00,000/- (Rupees Twenty Four Lakh Only). The Tribunal takes note of the submission that to reach this proposed amount through successive e-auctions would require approximately six months, during which the recurring rental expenditure would total

approximately Rs. 16 lakhs.

19. It is pertinent to note that once the assets are cleared and the premises vacated, the Corporate Debtor will require only minimal space for its registered office, which would significantly reduce the monthly rental expenditure. It is also noted that none of the proposed buyers are related parties to the Corporate Debtor or the Liquidator.
20. The provision of Section 35(f) of the IBC 2016 read with Regulation 33(2) of the IBBI (Liquidation Process) Regulations, 2016 permits a private sale of assets when it is likely to deteriorate in value significantly if not sold immediately. This provision applies to the assets in question, the value of which has considerably been depleted during the present proceedings. The relevant extracts of the provision reproduced herein below:

*“(f) subject to Section 52, to sell the immovable and movable property and actionable claims of the corporate debtor in liquidation by public auction or private contract, with power to transfer such property to any person or body corporate, or to sell the same in parcels in such manner as may be specified;*

*Provided that the liquidator shall not sell the immovable and movable property or actionable claims of the corporate debtor in liquidation to any person*

*who is not eligible to be a resolution applicant.”*

21. This Tribunal finds that the commercial wisdom of the SCC, grounded in the preservation of value and prevention of wasteful expenditure, is a material consideration. As the liquidation period is set to expire on 2<sup>nd</sup> April, 2026, and repeated e-auction attempts have proved infructuous, the recourse to a private sale is justified and necessary to safeguard the value of the liquidation estate.
22. In view of aforesaid observation and law applicable thereon, we allow IA.(I.B.C) 1925(KB)2025 in C.P. (I.B) 1634(KB)2018 with the above directions and **is hereby disposed of** accordingly.
23. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
24. File be consigned to records.

**Rekha Kantilal Shah**  
**Member (Technical)**

**Labh Singh**  
**Member (Judicial)**

SRIDHAR.R (LRA)