

CA. Anand Ramachandra Bhat
INSOLVENCY PROFESSIONAL & LIQUIDATOR

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IBBI Regn No : IBBI/IPA-001/IP-P00467/2017-18/10810

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4th September 2017

**BSE Limited,
Phiroze Jeejeebhoy Towers,
Dalal Street,
Mumbai-400001**

Dear Sir/Madam,

Subject: Intimation of initiation of Corporate Insolvency Resolution Process (CIRP) and appointment of Interim Resolution Professional (IRP)

I hereby intimate your good office that CIRP has been initiated in respect of Falcon Tyres Ltd under the provisions of Insolvency and Bankruptcy Code, 2016 ("Code") by an order of National Company Law Tribunal ("NCLT") with effect from 30TH August, 2017.

As per section 17 of the Code, the powers of the Board of Directors of Falcon Tyres Ltd stands suspended and such powers shall be vested with me, Anand Ramachandra Bhat, having IP Registration no. : IBBI/IPA-001/IP-P00467/2017-18/10810, appointed as the Insolvency Resolution Professional.

It may further be noted that in consonance with the stipulations contained in Section 14 of the Code, a moratorium has been declared vide the aforesaid order passed by NCLT, whereby, inter alia, the following shall be prohibited:-

- (a) the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
- (b) transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;
- (c) any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;
- (d) the recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor.

Anand Ramachandra Bhat

The instant intimation w.r.t initiation of CIRP and appointment of Interim Resolution Professional is for your information and record.

Kindly acknowledge the receipt of this document.

Thanking you,
Yours faithfully,

ARF.

Anand Ramachandra Bhat

Reg No: IBBI/IPA-001/IP-P00467/2017-1810810



Enclosed:

- A copy of the NCLT order dated 30th August 2017
- A copy of the Public Announcement made under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016.

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

**I.A.102/17
IN
CP(IB) No.01/BB/17**

SECTION 9 OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016

**IN THE MATTER OF
BELTHANGADY TALUK RUBBER GROWER'S MARKETING & PROCESSING
CO-OPERATIVE
SOCIETY LIMITED**

Order delivered on: 30th August, 2017

Coram: Hon'ble Shri Ratakonda Murali, Member (Judicial)
Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

For the Applicant (s): K.Srinandan, Advocate
For the Petitioner (s): Sangeetha M.S, Advocate
For the Respondent (s): Amrutha Varshini.M.C, Advocate

Per: Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

Heard on: 26.07.17, 11.08.2017, 16.08.2017, 18.08.2017, 21.08.17, 23.08.2017, 29.08.2017

ORDER

This Application is filed by third party under rule 11 of NCLT Rules, 2016 for impleading the Applicant 'Falcon Tyres Employees Union'.

The Applicant has averred that it is a registered and recognised union of Falcon Tyres which is the respondent company. There are about 2000 employees in the company who include permanent, badlis, apprentices and contract workmen. It is stated that due to mismanagement of the company the livelihood of workers is at risk. The impleading petition is filed to protect the interest of workers whose number is around 2500. The Applicant union has given various details happened in the course of time and at times due to intervention of some ministers of the state government company started functioning for some time. But however there is no change and no improvement in the functioning of the company.

The Applicant has alleged that various dues were payable to the employees of the union by the company. The details are:

- a) The Applicant Union had in regard to the various dues: including wages, payment of LTC stitching charges along with uniforms and shoes, money towards Benevolent fund,




Sports Fund, Co-operative society, etc. for the period December 2014 to May 2016 the Applicant approached the appropriate authority under Section 33-C(10) of the Industrial Disputes Act, 1947. It is submitted that the appropriate authority has issued order dated 9.01.2017 calculating the said due for the period up to May 2016, as Rs.22,12,53,626/- (Rupees Twenty Two Crores Twelve Lakhs, Fifty Three Thousand Six Hundred and Twenty Six Only). The order passed by the Deputy Commissioner dated 8.03.2017 in regard to the recovery of the said amount is placed herewith as Annexure-H.

- b) It is submitted that the earned wages for the period of 3 months and 22 days from 20.10.2016 to 09.01.2017 and other benefits as per the settlement has also been claimed under Section 33-C(1) of Industrial Disputes Act for an amount of Rs.1,00,16,18,32/- (Rupees Ten Crores One Lakh Sixty One Thousand Eight Hundred and Thirty Two only) and the same is presently pending.
- c) It is submitted that the Management of Falcon Tyres Limited has defaulted towards the contribution of EPF, ESI, LIC premium (personal and gratuity), housing loan instalment. In view of the same 2,500 insurance policies have lapsed.
- d) In regard to the failure of Management of Falcon Tyres Limited to deposit the employee's share of the provident fund under the Employee's share of the provident fund under the Employees Provident fund and Miscellaneous Provisions Act, 1952, a case under Section 405 and 406 of the Indian Penal Code has been registered against them by the Metagalli Police Station, Mysore. The office of Recovery Officer, Employee's Provident Fund Organisation has also issued an order of attachment of immovable property dated 31.08.2016 for Rs.4,13,97,070/- for the period from February 2014 to January 2015. The provident funds dues for the subsequent period are to be ascertained.
- e) It is submitted that the Management of Falcon Tyres Limited has failed to remit the TDS deducted from the employees' salaries to the Income Tax Department from September 2013.
- f) It is submitted that the gratuity amount due to the workmen as of 31.03.2017 would be an amount of Rs.13,51,34,430/-.
- g) It is further submitted that in the event of closure, the closure compensation would amount to around Rs.13,51,34,430/-. Apart from the same, the workmen would also be entitled to notice pay of 3 months wages amounting to amount Rs.3,84,38,862/-.



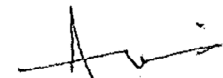
- h) It is submitted that apart from the above, various other dues of the employees including EPF, ESI, Housing/Society/LIC premium, personal loans are to be calculated additionally.
- i) It is submitted that apart from the above, the dues payable to the workmen including staff personnel, contract workers, apprentices and badlis of Falcon Tyres Limited is additional.


The Applicant further alleged that it is an interested party in the proceedings and therefore union may be impleaded as party.

When this Application came for hearing the petitioner in the main petition reported no objection for impleading the Applicant.

Respondent Company has not filed any objection either to the main petition or to this application. Petitioner in the main petition has no objection for impleading the applicant. The Company Falcon Tyres has not filed any objection. Since interest of workers is also involved in the petition filed by petitioner in main petition against the company initiating Insolvency Resolution Proceedings, therefore the Applicant is a necessary and proper party to the proceedings initiated under section 9 of Insolvency and Bankruptcy Code.

In result, application is allowed. The Applicant Falcon Tyres Employees Union is ordered to be impleaded as 2nd Respondent.


(ASHOK KUMAR MISHRA)
MEMBER (TECHNICAL)


(RATAKONDA MURALI)
MEMBER (JUDICIAL)

FORM A
PUBLIC ANNOUNCEMENT

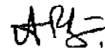
[Under Regulation 6 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016]

FOR THE ATTENTION OF THE CREDITORS OF M/S FALCON TYRES LTD

Sl. No	RELEVANT PARTICULARS	
1	NAME OF CORPORATE DEBTOR	M/S Falcon Tyres Ltd
2	DATE OF INCORPORATION OF CORPORATE DEBTOR	29/11/1973
3	AUTHORITY UNDER WHICH CORPORATE DEBTOR IS INCORPORATED / REGISTERED	Registrar of Companies, Karnataka, under Companies Act, 1956
4	CORPORATE IDENTITY NUMBER	L25114KA1973PLC002455
5	ADDRESS OF THE REGISTERED OFFICE AND PRINCIPAL OFFICE (IF ANY) OF CORPORATE DEBTOR	K R S Road, Metagalli, Mysore- 570016
6	INSOLVENCY COMMENCEMENT DATE IN RESPECT OF CORPORATE DEBTOR	30 th August 2017
7	ESTIMATED DATE OF CLOSURE OF INSOLVENCY RESOLUTION PROCESS	25 th February 2018
8	NAME, ADDRESS, EMAIL ADDRESS AND THE REGISTRATION NUMBER OF THE INTERIM RESOLUTION PROFESSIONAL	Name: Anand Ramachandra Bhat Address: No. 81, 8 th Main, 8 th cross, Serpentine Road, Kumara Park West, Bangalore- 560020 Email: ab.inspro@outlook.com Reg. No. : IBB/PA-001/IP-P00467/2017-18/10810
9	LAST DATE FOR SUBMISSION OF CLAIMS	12 th September 2017 [Claims should be submitted along with relevant documents]

1. Notice is hereby given that the National Company Law Tribunal (NCLT), Bangalore has ordered the commencement of a corporate insolvency resolution process against **M/S Falcon Tyres Ltd** on 30th August 2017 vide order No.CP(IB) No. 01/BB/17 dated 30th August 2017.
2. The creditors of **M/S Falcon Tyres Ltd**, are hereby called upon to submit proof of their claims along with relevant documents as per IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 on or before 12th September 2017 to the interim resolution professional at the address mentioned against item 8.
3. The financial creditors shall submit their proof of claims by electronic means only in Form No.C along with relevant documents. The operational creditors (in Form B), including workmen and employees (Form D or Form E, as the case may be), may submit the proof of claims by in person, by post or electronic means. Form No. B, Form No C, Form D and Form E are prescribed under IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and these forms shall be accompanied by Affidavit and relevant documentary proof of in support of claim.
4. Submission of false or misleading proofs of claim shall attract penalties.

Date: 1st September 2017
Place: Bangalore

Signature: 
Name: ANAND RAMACHANDRA BHAT

