INSOLVENCY PROFESSIONAL AGENCY
OF INSTITUTE OF COST ACCOUNTANTS OF INDIA

Casebook Issue

Corporate Insolvency Resolution Process Journey of C And M Farming Limited

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About C and M Farming Limited

C and M Farming Limited (hereinafter referred to as the “Corporate Debtor”/” Company”) is a public limited company incorporated on 11.06.1980 under the provisions of the Companies Act, 1956, and is registered with the Registrar of Companies, Mumbai. Its registered office is situated at Hendry Gomes Blog, Room No. 20, Jogeshwari (West), Mumbai, Maharashtra - 400102. The company is engaged in the business of breeding, producing, transporting, buying, and selling poultry.

At the time the Corporate Insolvency Resolution Process (hereinafter referred to as the “CIRP”) was initiated, C and M Farming Limited were undergoing financial distress on account of default in payment of its dues to Omkara Assets Reconstruction Private Limited, its sole financial creditor. The petition leading to admission of CIRP was filed by Omkara Assets Reconstruction Private Limited (hereinafter referred to as the "Operational Creditor"), with C and M Farming Limited recognised as the Corporate Debtor for the purposes of the proceedings.

CIRP of C and M Farming Limited

Admission of Petition and Appointment of IRP

Corporate Insolvency Resolution Process (hereinafter referred to as the "CIRP") against C and M Farming Limited was initiated by order of the Hon'ble NCLT (hereinafter referred to as the "Tribunal"), Mumbai Bench, dated 21.03.2024, on a petition filed by Operational Creditor under section 9 of the code. Mr. Kamal Sharma was appointed as the Interim Resolution Professional (hereinafter referred to as the "IRP").

Pursuant to his appointment, the IRP issued a public announcement on 22.03.2024, inviting claims from creditors, which was published in the Free Press Journal (English), Deshdoot (English), Navashakti (Marathi) and Deshdoot Times (Marathi).

In response, the IRP received a total of seventeen (17) claims, comprising:

- One (1) claim from a secured financial creditor;
- Five (5) claims from unsecured financial creditors;
- One (1) claim from an ex-employee;
- One (1) claim filed by the Authorised Representative of workmen and employees, representing 223 individual claims;
- Eight (8) claims from operational creditors (other than workmen, employees and government dues); and
- One (1) claim from other creditors (other than financial and operational creditors).

Constitution of CoC and Appointment/Replacement of RP

The IRP constituted the Committee of Creditors (hereinafter referred to as the "CoC") on 13.04.2024 under Section 21 of the Insolvency & Bankruptcy Code, 2016 (hereinafter referred to as the "Code"). The CoC comprised Omkara Assets Reconstruction Private Limited as the sole financial creditor, holding 100% voting share.

In the first CoC meeting held on 19.04.2024, the CoC resolved to replace the IRP and appoint Mr. Gaurav Adukia as Resolution Professional (hereinafter referred to as the "RP"). I.A. No. 1998 of 2024 seeking his appointment was allowed by the Tribunal vide order dated 29.04.2024.

In the third CoC meeting held on 12.08.2024, Mr. Gaurav Adukia resigned. The CoC recommended appointment of M/s Orion Resolution & Turnaround Private Limited, acting through its Authorised Signatory Mr. Abhijit Gokhale, as RP. I.A. No. 4105 of 2024 was allowed vide order dated 28.08.2024, and the new RP assumed charge on 04.09.2024.

Two registered valuers were appointed in compliance with Regulation 27 of the Insolvency & Bankruptcy Board of India (Corporate Insolvency Resolution Process) Regulations, 2016, (hereinafter referred to as the "CIRP Regulations") pursuant to the resolution passed at the first CoC meeting. The valuation results are set out below:

Category	Valuer	Fair Value (Rs.)	Liquidation Value (Rs.)
Land, Building, Plant & Machinery	RV Sharma Shirshbhai	88,43,50,000.00	61,85,57,000.00
Land, Building, Plant & Machinery	RV Kedar Chikodi	86,77,02,000.00	65,07,79,000.00
Land, Building, Plant & Machinery	Average	87,60,26,000.00	63,46,68,000.00
Securities & Financial Assets	RV Sunil Kabra	37,250.70	37,250.70
Securities & Financial Assets	RV Vaishali Patrikar	37,372.79	37,372.79
Securities & Financial Assets	Average	37,311.75	37,311.75
Total Average	-	87,60,63,311.75	63,47,05,311.74

The CoC also approved, at its first meeting, the appointment of a professional to conduct a Transaction Audit examining transactions of the Corporate Debtor falling within Sections 43, 45, 46, 49 and 50, read with Section 66 of the Code (preferential, undervalued, extortionate and fraudulent transactions).

Public Announcement and Calls for Resolution Applications

Form G, inviting Expressions of Interest (hereinafter referred to as the "EOIs") from Prospective Resolution Applicants (hereinafter referred to as the PRAs), was first published on 03.06.2024 in the Free Press Journal (English), Navshakti (Marathi) and Deshdoot Times (Marathi and English). The original last date for submission of Resolution Plans was 21.06.2024; this was extended, through two corrigenda, to 16.07.2024 and thereafter to 16.08.2024.

Three EOIs were received by the erstwhile RP within the extended timelines:

1. M/s Supreme Capinfra Private Limited - EOI dated 16.08.2024.
2. M/s Nimantran Horticulture Private Limited - EOI dated 16.08.2024.
3. Mr. Rajendra Madan Parakh - EOI dated 21.06.2024.

As the statutory 180-day CIRP period was due to expire on 16.09.2024, the CoC decided to issue a fresh Form G on account of:

- failure of the erstwhile RP to issue the Information Memorandum (hereinafter referred to as the "IM"), Evaluation Matrix and Request For Resolution Plan (hereinafter referred to as the "RFRP") within stipulated timelines;
- issuance of the final PRAs
- list on 27.08.2024 despite the erstwhile RP's resignation on 12.08.2024;
- non-uploading of Form G on the IBBI website; and
- receipt of only three EOIs, necessitating wider participation.

Form G was accordingly republished on 10.09.2024 in Deshdoot and Deshdoot Times (Nashik edition) and Free Press Journal and Navakal (Mumbai edition). Four parties submitted EOIs, each accompanied by an Earnest Money Deposit (hereinafter referred to as the "EMD") of Rs. 1,00,00,000/-. A provisional list of eligible PRAs was issued on 30.09.2024 (objections invited by 05.10.2024; none received), and the Final List of PRAs was published on 08.10.2024, comprising:

- Nimantran Horticulture Private Limited
- Rajendra Madan Parakh
- Supreme Capinfra Private Limited
- Salawat Real Estate

<u>Information Memorandum</u>

The draft IM and RFRP were placed before, and approved by, the CoC at its seventh meeting held on 06.12.2024, for issuance to the Final PRAs, with Resolution Plans invited on or before 16.01.2025.

To enable settlement of outstanding dues payable to the Government of Maharashtra concerning a land parcel forming part of the Corporate Debtor's corporate office (Survey No. 536/3/4/3/1/2, Final Plot No. 220, T.P.-1, N.D. Patel Road, Mauze Nashik), the CoC resolved to sell certain unencumbered assets. The concerned land parcel was accordingly sold and excluded from the IM, and a revised IM was shared with the Final PRAs on 13.01.2025.

Expression of Interest to invite PRAs

Following requests from two PRAs (Nimantran Horticulture and Rajendra Parakh) for a 30-day extension, and in exercise of powers under Regulation 36B(6) of the CIRP Regulation, the CoC with 100% voting approved a limited 10-day extension for submission of Resolution Plans, up to 26.01.2025.

Four Resolution Plans were received by 27.01.2025, from Nimantran Horticulture, Mr. Rajendra Parakh, Supreme Capinfra Private Limited, and Salawat Real Estate. These were discussed at the ninth CoC meeting held on 03.02.2025.

On 06.03.2025, two Resolution Applicants sought further extension for submission of their plans; the CoC granted a limited extension permitting submission on or before 12.03.2025. Following completion of the Challenge Mechanism, final Resolution Plans were received from all four Resolution Applicants on 20.03.2025.

Extensions of the CIRP Period

The CIRP period was extended by the Tribunal on multiple occasions during the process, as summarised below:

IA No.	Extension Sought	Order Date	Effect
I.A. No. 5506/2024	90 days	03.12.2024	Extended CIRP up to 15.12.2024
I.A. No. 1929/2025	60 days	06.05.2025	Second extension, up to 14.02.2025
I.A. No. 1221/2025	60 days (beyond 330 days)	09.05.2025	Third extension, up to 15.04.2025
I.A. No. 2071/2025	Further extension	26.05.2025	Extended up to 04.05.2025
I.A. No. 1513/2025	Exclusion of 118 days sought	04.04.2025	Dismissed by the Tribunal

An application (I.A. No. 1513 of 2025) seeking exclusion of 118 days (10.05.2024 to 04.09.2024, being the period of handover between the erstwhile RP and the Applicant/RP) was dismissed by the Tribunal vide order dated 04.04.2025.

Submission and Approval of Resolution Plan

All four final Resolution Plans were examined and found compliant with Section 30(2) of the Code and applicable Regulations. As recorded in the minutes of the fourteenth CoC meeting (dated 25.03.2025),

- the CoC sought two clarifications from Supreme Capinfra Private Limited regarding:
- amounts proposed towards CIRP costs; and
- reliefs and concessions sought in respect of PUFE (preferential, undervalued, fraudulent and extortionate) applications.

At the fifteenth CoC meeting held on 03.04.2025, the four compliant Resolution Plans were placed before the CoC. E-voting commenced on 05.04.2025 at 2:00 PM and concluded on 09.04.2025. The Resolution Plan submitted by Supreme Capinfra Private Limited was approved by the CoC with 100% voting share.

Supreme Capinfra Private Limited was accordingly declared the Successful Resolution Applicant (hereinafter referred to as the "SRA"), and a Letter of Intent (hereinafter referred to as the "LoI") was issued on 09.04.2025, unconditionally accepted and returned with endorsement on 11.04.2025. The SRA furnished a Performance Bank Guarantee (hereinafter referred to as the PBG) of Rs. 3,85,00,000/- on 15.04.2025.

The Resolution Plan dated 25.01.2025 (as amended on 27.03.2025), read with the LoI dated 09.04.2025, was approved by the Hon'ble NCLT, Mumbai Bench, Court-V, vide order dated 09.01.2026 in I.A.(IB)/66/2025 in C.P. (IB)/1031(MB)/2021, under Sections 30(6) and 31(1) of the Code.

CoC Meeting Timeline:

Date	CoC Meeting No.	Major Decisions and Events
19.04.2024	1st Meeting	First meeting of the CoC. Resolved to replace the IRP and appoint Mr. Gaurav Adukia as RP. Approved appointment of two registered valuers under Regulation 27. Approved conduct of a Transaction Audit covering Sections 43, 45, 46, 49 and 50 read with Section 66 of the Code.
12.08.2024	3rd Meeting	Mr. Gaurav Adukia tendered resignation as RP. CoC recommended appointment of M/s Orion Resolution &

Date	CoC Meeting No.	Major Decisions and Events
		Turnaround Pvt. Ltd. (Authorised Signatory: Mr. Abhijit Gokhale) as RP.
09.09.2024	5th Meeting	CoC resolved to seek a 90-day extension of the CIRP period and decided to issue a fresh Form G on account of deficiencies in the erstwhile RP's conduct of the process.
06.12.2024	7th Meeting	Draft IM and RFRP placed before and approved by the CoC for issuance to the Final PRAs (plans invited by 16.01.2025). CoC noted continuation of CIRP timeline up to 14.02.2025, subject to Tribunal approval.
03.02.2025	9th Meeting	Four Resolution Plans (Nimantran Horticulture, Rajendra Madan Parakh, Supreme Capinfra, Salawat Real Estate) opened in presence of applicants and CoC members. CoC resolved to seek a further 60-day extension of the CIRP period.
17.03.2025	13th Meeting	CoC apprised of the Interlocutory Application filed by Director/Promoter Ms. Terry D'Souza alleging Supreme Capinfra's ineligibility. CoC noted no adverse order was passed, and no legal basis existed to exclude Supreme from the Challenge Mechanism.
25.03.2025	14th Meeting (Minutes)	CoC sought two clarifications from Supreme Capinfra: (i) amounts proposed towards CIRP costs; and (ii) reliefs/concessions sought in respect of PUFE (preferential, undervalued, fraudulent and extortionate) applications.
03.04.2025	15th Meeting	Four compliant Resolution Plans placed before the CoC for consideration. E-voting conducted from 05.04.2025 (2:00 PM) to 09.04.2025. Resolution Plan of Supreme Capinfra Private Limited approved with 100% voting share.

Timeline of CIRP Milestones (Regulation 40A of the IBBI (CIRP) Regulations, 2016) as against actual dates:

Provision	Activity	Regulatory Timeline (T+days)	Actual Date
Section 16(1)	Commencement of CIRP and appointment of IRP	21.03.2024	21.03.2024
Regulation 6(1)	Publication of Public Announcement	24.03.2024	22.03.2024
Section 15(1)(c)	Submission of claims	04.04.2024	04.04.2024

Provision	Activity	Regulatory Timeline (T+days)	Actual Date
Regulation 13(1)	Verification of claims	11.04.2024	11.04.2024
Regulation 17(1)	Filing of report certifying constitution of CoC	13.04.2024	13.04.2024
Section 22(1) / Reg. 17(2)	First CoC meeting	20.04.2024	19.04.2024
Regulation 27	Appointment of two registered valuers	07.05.2024	07.05.2024
Regulation 35A	Determination of fraudulent and other transactions	14.07.2024	01.02.2025
Regulation 36(1)	Submission of IM to CoC	24.06.2024	10.10.2024
Regulation 36A	Publication of Form G (invitation for EoI)	20.05.2024	10.09.2024
Regulation 36A(11)	Final list of PRAs	29.06.2024	08.10.2024
Regulation 36B	Issue of RFRP (incl. evaluation matrix & IM)	04.07.2024	18.12.2024
Sec. 30(6) / Reg. 39(4)	Submission of CoC-approved Resolution Plan	02.09.2024	29.01.2025
Section 31(1)	Approval of Resolution Plan by NCLT	17.09.2024	09.01.2026

Resolution Plan - Key Features

Successful Resolution Applicant: M/s Supreme Capinfra Private Limited, a private limited company incorporated on 11.12.2012 under the Companies Act, 1956, having its registered office at Y-501/502, Golden Rays, Shastri Nagar, Andheri (West), Mumbai - 400053. The SRA was engaged in management and financial advisory services, including advisory services to entities engaged in poultry-related activities, and was managed by Mr. Nitesh Premchandani, who had over 15 years of experience in financial advisory and stressed-asset management.

Total Resolution Value: The Resolution Plan provides for infusion of a total sum of Rs. 96,81,00,000/- (Rupees Ninety-Six Crore Eighty-One Lakh only) for the benefit of stakeholders, to be infused with in three tranches:

Tranche Amount (Rs.) Timeline

Tranche	Amount (Rs.)	Timeline
First	32,76,00,000	Within 90 days of the Effective Date
Second	40,00,00,000	Within 180 days of the Effective Date
Third	24,05,00,000	Within 270 days of the Effective Date
Total	96,81,00,000	-

CIRP Cost: Rs. 86.82 lakh (comprising actual costs of Rs. 45.67 lakh and estimated costs of Rs. 41.15 lakh) to be paid in full, in priority to other creditors, within 30 days of the Effective Date. Any excess of the actual cost over the estimated amount was accepted by the SRA up to Rs. 1,00,00,000/-; any unpaid CIRP cost more than that sum was deducted from the amount allocated to secured financial creditors, without altering the overall Consideration.

Treatment of Stakeholders (Form H, dated 02.05.2025):

Category of Stakeholder	Amount Claimed (Rs.)	Amount Proposed (Rs.)	% of Claim	Timeline
Secured Financial Creditors	70,67,06,828	70,67,00,000	99%	Within 270 days of Effective Date (3 tranches)
Unsecured Financial Creditors (except related party)	Nil	0	0%	-
Operational Creditors (Employees)	75,29,958	75,29,958	100%	Within 90 days of Effective Date
Operational Creditors (Statutory / Government dues)	39,30,38,807	19,82,438	0.5%	Within 90 days of Effective Date
Operational Creditors (other than workmen, employees & Govt. dues)	3,12,55,719	78,139	0.25%	Within 90 days of Effective Date
Other Creditors (Omkara ARC) - other than FC/OC	59,32,06,966	24,06,80,570	40.57%	2 tranches, within 270 days of Effective Date

Category of Stakeholder	Amount Claimed (Rs.)	Amount Proposed (Rs.)	% of Claim	Timeline
Other Creditors - related parties (other than FC/OC)	1,15,75,435	28,895	0.25%	Within 90 days of Effective Date
TOTAL	1,74,32,95,573.77	95,70,00,000	54.90%	-

EMD and Performance Security: The SRA deposited an EMD of Rs. 1,00,00,000/- at the EOI stage. The Performance Bank Guarantee of Rs. 3,85,00,000/- was furnished within six days of issuance of the LoI, valid for 14 months from issuance or the date of completion of implementation of the Resolution Plan, whichever is applicable.

Treatment of Shares: Upon Capital Reduction, the existing share capital of the Corporate Debtor stands reduced to nil (0 equity shares of Rs. 10 each). The paid-up share capital was thereafter revised to Rs. 1,00,000/- (10,000 equity shares of Rs. 10 each), issued and allotted at face value to the SRA within 30 days of the Effective Date. Prior to CIRP, equity shareholding stood at 1,35,66,910 shares carrying 100% voting share; post-CIRP, these stands reduced to nil.

Management and Control: Within 5 days of the Effective Date, a three-member Monitoring Committee (hereinafter referred to as the "MC") was constituted, comprising one representative of the SRA, one representative of the CoC, and the RP, to supervise implementation until the Closing Date. With effect from the Effective Date until the Closing Date, management of the Corporate Debtor's affairs was conducted through the MC, with the Reconstituted Board working under its supervision. Within 7 days of the Effective Date, all existing directors were to cease office, and two nominees of the SRA together with three independent directors were appointed to the Reconstituted Board. The SRA was to hold, directly or indirectly, at least 51% of the equity share capital until implementation of the Plan; thereafter, the Board was reconstituted again on the Closing Date with directors nominated by the SRA.

Dissent and Objections

Ms. Terry D'Souza, Director/Promoter of the Corporate Debtor, by email dated 13.03.2025, informed the Applicant/RP that she had filed an Interlocutory Application before the Tribunal seeking an inquiry against Supreme Capinfra Private Limited, alleging that certain past transactions between the Corporate Debtor and Supreme Capinfra rendered it ineligible to submit a Resolution Plan.

The development was placed before the CoC at its thirteenth meeting held on 17.03.2025. The CoC noted that the application was pending adjudication, that no adverse order had been passed by the Tribunal, and that there was accordingly no legal basis to exclude Supreme Capinfra from participating in the Challenge Mechanism.

The order records that Learned Counsel for both Respondents were present during the proceedings on the Application for approval of the Resolution Plan, and that no objections were raised by any party to such approval.

Monitoring, Implementation and Special Directions

The Resolution Plan, as approved by the CoC and sanctioned by the Tribunal, became effective from the date of the order (09.01.2026) and was binding on the Corporate Debtor, its employees, members, creditors (including Central/State Government and local authorities to whom statutory dues are owed), guarantors and other stakeholders. No person was entitled to initiate or continue proceedings in respect of a claim relating to the period prior to the Effective Date, whether it forms part of the Resolution Plan.

The Monitoring Committee was supervising implementation of the Plan and review the Corporate Debtor's operational performance. The RP was directed to hand over all records, premises and documents to the SRA to enable commencement of operations under the Plan.

Reliefs and Concessions: Approval of the Plan does not by itself terminate any existing consents, approvals, licences, concessions, authorisations or permits granted to the Corporate Debtor. Exemptions sought in relation to registration charges, stamp duty, taxes and fees were not granted, though the SRA remains at liberty to approach the competent authorities. In terms of Section 32A of the Code, the SRA was not liable for offences or liabilities of the Corporate Debtor committed prior to commencement of CIRP. Following Ghanshyam Mishra and Sons Private

Limited v. Edelweiss Asset Reconstruction Company Limited, all claims not forming part of the Resolution Plan stand extinguished on the approval date, and no person may initiate or continue proceedings in respect of such claims. Reliefs and concessions not expressly granted, or falling outside the scope of Sections 31(1) and 32A of the Code, are deemed not granted.

Avoidance Transactions: The Applicant/RP filed I.A. No. 4201 of 2025 on 08.09.2025 under Section 66 of the Code. Under Clause (ix) of the Resolution Plan, proceedings pending under Sections 43-51 and Section 66 of the Code as on the Plan Approval Date (and informed to the SRA) are to be pursued by the Applicant/RP, with recoveries distributed to Secured Financial Creditors on a pro-rata basis of admitted secured financial debt (or as otherwise decided by the CoC) - except in respect of properties at Gut No. 335, Village Dhakambe, Taluka Dindori, District Nashik, and Gut No. 780, Village Tamgaon, Taluka Karveer, District Kolhapur.

Under Clause 8(x) of the Resolution Plan, two pending civil suits - Special Suit No. 717/2023 before the Nashik Civil Court (relating to Gut No. 335) and Regular Suit No. 959/2024 (relating to Gut No. 780) are to continue to be prosecuted by Omkara Assets Reconstruction Private Limited (Respondent No. 1), with Supreme Capinfra (Respondent No. 2) impleaded as the ultimate beneficiary of the Corporate Debtor. If decided in favour of Respondent No. 1, the concerned properties are to vest in the Corporate Debtor free of all encumbrances, charges and mortgages.

The moratorium under Section 14 of the Code ceases to have effect from the date of the order. The Applicant is directed to forward all CIRP and Resolution Plan records to the IBBI, along with a copy of the order, and to send certified copies of the order to the CoC and the SRA for compliance.

Bibliography

1. Order dated 09.01.2026, NCLT Mumbai Bench, Court-V, in I.A.(IB)/66/2025 in C.P. (IB)/1031(MB)/2021, M/s Orion Resolution & Turnaround Pvt. Ltd. (RP for C and M Farming Limited) v. Committee of Creditors of C and M Farming Limited & Anr.

2. Insolvency and Bankruptcy Code, 2016, and the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. (Link: https://ibbi.gov.in/legal-framework/updated)

3. The Insolvency and Bankruptcy Code (Amendment) Act, 2026. (Link: https://ibbi.gov.in/legal-framework/act)