

IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH

[Through Physical hearing/VC Mode (Hybrid)]

ITEM No.04

**I.A.Nos.196/2023, 309, 312, 350, 421, 553, 812/2026 in
C.P. (IB) No.144/BB/2017**

IN THE MATTER OF:

M/s Pridhvi Asset Reconstruction & Securitization Company ... Petitioner

Vs.

M/s. Alpine Wineries Pvt. Ltd.

... Respondent

Petition under Section 7 of IBC, 2016

Order delivered on: 12.10.2026

CORAM:

**SHRI SUNIL KUMAR AGGARWAL
HON'BLE MEMBER (JUDICIAL)**

**SHRI RADHAKRISHNA SREEPADA
HON'BLE MEMBER (TECHNICAL)**

COUNSELS PRESENT:

For the Appl. in I.A.553/2026 : Shri Sumukh B. Ram

ORDER

Heard Ld. Counsels for the parties.

I.A.Nos.421/2026 & 812/2026: Both Applications are for extension of liquidation period for finalization of the process. In the peculiar facts and circumstances of the case, **I.A.No.421/2026 is allowed**, and the liquidation period is extended from 01.05.2026 to 31.08.2026. **The other IAs are partly**

allowed, and the liquidation period is extended from 01.09.2026 to 15.10.2026.

I.A.No.553/2026: Vide separate Order, the **Application has been allowed**, and liquidation proceedings in the peculiar facts and circumstances of the case, are closed without setting any precedent, subject to the conditions mentioned in the matter.

Proceedings in other pending IAs, having become redundant, are hereby closed.

File be consigned to record room.

-Sd-

**RADHAKRISHNA SREEPADA
MEMBER (TECHNICAL)**

-Sd-

**SUNIL KUMAR AGGARWAL
MEMBER (JUDICIAL)**

Shruthi

IN THE NATIONAL COMPANY LAW TRIBUNAL, BENGALURU BENCH

**(Exercising powers of Adjudicating Authority under
the Insolvency and Bankruptcy Code, 2016)**

I.A. No. 553 of 2026

in

C.P. (IB) No. 286/BB/2019

(Application under Section 60 (5) of the IBC, 2016 r/w Rule 11 of NCLT Rules 2016)

IN THE MATTER OF IA 553/2026

Mr. Raghavendra Gowda

Son of Sh. M. Thimmegowda,
Residing at No. 65,
Vaniwilas Road, Basavanagudi,
Bengaluru- 560004

... Applicant

VERSUS

Mr. Ravindranath Narayan Rao

Official Liquidator of *Alpine Wineries Private Limited*,
Regd. office at: #3311 Sapthagiri Arcade,
2nd Floor, 8th Cross, Wilson Garden,
H Siddaiah Road, Bangalore - 560027

... Respondent No.1

Prithvi Asset Reconstruction & Securitization Company Ltd.

Regd. Office at: D. No. 1-55, Raja Praasadamu
4th Floor, Wing-I, Masjid Banda Road
Kondapur, Hyderabad- 84

... Respondent No.2

Jammu and Kashmir Bank

Impaired Assets and Recovery Branch,
B 56 Dyavasandra Industrial Estate,
Mahadevapura, Bengaluru,
Karnataka- 560048

... Respondent No.3

IN THE MAIN MATTER OF

**M/s. Pridhvi Asset Reconstruction and
Securitisation Company Limited (PARAS)**

Regd. Office: - D.No. 1-55, 4th Floor
Wing-I Raja Praasadamu, Masjid Banda
Road, Kondapur, Hyderabad- 500084

.... Financial Creditor

VERSUS

M/s. Alpine Wineries Private Limited

Regd. Office: - No. 33/1, Sapthagiri Arcade,
II Floor, 8th Cross, Wilson Garden,
H Siddaiah Road, Bengaluru- 560027

...Corporate Debtor

Order delivered on: 12.10.2026

Coram: **Shri Sunil Kumar Aggarwal, Hon'ble Member (Judicial)**
 Shri Radhakrishna Sreepada, Hon'ble Member (Technical)

Parties/Counsels Present:

For the Applicant : Shri Sumukh B. Ram

O R D E R

1. The present Application has been filed by **Mr. Raghavendra Gowda**, erstwhile Director and shareholder of **M/s. Alpine Wineries Private Limited** ("Corporate Debtor"), under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 ("IBC/Code") read with Rule 11 of the National Company Law Tribunal Rules, 2016, seeking withdrawal/recall of the liquidation process initiated against the Corporate Debtor and for such other orders as may be deemed fit in the facts and circumstances of the case.

2. Brief relevant facts of the Application are as follows: -

- i. The Applicant states that he is the erstwhile Director and shareholder of the Corporate Debtor and is a stakeholder in the liquidation proceedings. The Applicant has stated that he is conversant with the facts and circumstances of the matter and is competent to depose to the Application.
- ii. It is stated that Respondent No.2, M/s. Prithvi Asset Reconstruction and Securitization Company Limited (“PARAS”) , filed a petition under Section 7 of the Code on 29.07.2019 against the Corporate Debtor, alleging default of Rs.115,63,16,587/- as on 30.06.2019. The said petition came to be admitted by this Tribunal on 17.12.2019, and Mr. Ravindranath Narayana Rao was appointed as the Interim Resolution Professional for conducting the CIRP of the Corporate Debtor.
- iii. During the CIRP, the Applicant states that efforts were made to ensure repayment of the financial debts of the Corporate Debtor. Thereafter the Liquidator filed I.A. No. 152/2021 under Section 33(2) of the Code seeking initiation of liquidation of the Corporate Debtor and appointment of the Liquidator. By order dated 22.12.2021, this Tribunal ordered liquidation of the Corporate Debtor and appointed Shri Ravindranath Narayana Rao as the Liquidator.
- iv. The Applicant further states that he is a member of the Stakeholders’ Consultation Committee (“SCC” or “Committee”) constituted in the liquidation proceedings and that his claim as an unsecured creditor, amounting to Rs.59,76,08,863/-, was admitted by the Liquidator. The Applicant has also stated that the two financial creditors of the Corporate Debtor were Respondent No.2, Prithvi Asset Reconstruction and Securitization Company Limited, and Respondent No.3, Jammu and Kashmir Bank, against whose loans the Applicant had extended personal guarantees.

- v. It is further stated that on 03.07.2023, the Applicant addressed a letter to Respondent No. 2 proposing a One-Time Settlement (“OTS”) of **Rs.39,00,00,000/-**. In the SCC meeting held on 25.08.2023, the Liquidator informed the stakeholders regarding initiation of a fresh e-auction, whereas Respondent No.2 informed that negotiations for settlement with the ex-promoters were at an advanced stage. It was also recorded that Respondent No.3 had, in principle, agreed for a compromise and settlement, subject to approval from its competent authority.
- vi. Thereafter, Respondent No.3, Jammu and Kashmir Bank, issued a sanction letter dated 19.10.2023 proposing an OTS of **Rs.10,00,00,000/-**, subject to payment within the stipulated period. The Applicant states that upon full and final payment of the OTS amount, the Bank was to issue a No Dues Certificate, release the charges and security interests, and take steps for withdrawal of the legal and recovery proceedings against the Company, mortgagors and guarantors.
- vii. The Applicant further states that Respondent No.2 issued its letter dated 22.09.2023 accepting the OTS proposal and prescribing the schedule of payment, including payment of the balance OTS amount within the stipulated period. The terms also contemplated withdrawal of the legal proceedings upon receipt of the agreed amount and issuance of the requisite No Objection Certificate and release of securities.
- viii. In the SCC meeting held on 27.10.2023, the Applicant states that the progress of the OTS was considered and the stakeholders agreed that, upon the former promoters making full payment under the OTS, the stakeholders would propose withdrawal of the liquidation proceedings before this Tribunal. In the subsequent SCC meeting held on 23.02.2024, the former promoters sought further time to complete the OTS payments, and the SCC granted time till

28.02.2024 for fulfilling the commitments, while recording that amounts had already been remitted as part of the OTS.

- ix. The Applicant states that he had earlier approached this Tribunal by filing I.A. No. 456/2024 under Section 60(5) of the Code read with Rule 11 of the NCLT Rules, 2016, in relation to the wine lying in the factory premises of the Corporate Debtor. By order dated 25.06.2025, this Tribunal permitted salvage of the wine and restrained destruction thereof, observing that the wine constituted a valuable asset capable of being salvaged in the interests of the creditors. The Applicant states that approximately 9,967 crates, i.e., 89,703 litres of wine, besides barrels containing substantial quantities of wine, were available at the factory premises.
- x. The Applicant further states that payments towards the OTS amounts were made to Respondent Nos.2 and 3 in various tranches. The Applicant has referred to payments made to Respondent No.2 on 28.06.2023, 19.01.2024, 28.02.2024, 07.06.2024 and 21.06.2024, and payments made to Respondent No.3 on 21.06.2024 and 24.06.2024. The Applicant has placed reliance upon his ledger account statement in support thereof.
- xi. According to the Applicant, Respondent No.2, by letter dated 21.06.2024, acknowledged the payments received and informed that a balance amount of Rs.12,50,00,000/- remained payable under the OTS. The Applicant states that the said balance amount was thereafter paid by bank transfer to Respondent No.2 and that, with such payment, the payments under the OTS stood completed. The Applicant further states that Respondent No.2 extended waiver of interest on the OTS amount. Respondent No.3, upon receipt of the amounts payable under its OTS, issued a No Due Certificate dated 29.06.2024 stating that no dues remained payable by the Corporate Debtor to the Bank.

- xii. The Applicant states that after making the payment to Respondent No.2 on 26.12.2025, he sought issuance of a No Due Certificate from Respondent No.2. According to the Applicant, despite clearance of the dues, Respondent No.2 did not issue the No Due Certificate. Thereafter, the Liquidator convened SCC meetings during May 2026, including the meeting initially scheduled for 13.05.2026 and subsequently rescheduled to 15.05.2026.
- xiii. On 15.05.2026, the Applicant addressed communications to the Liquidator and the other stakeholders stating that, in view of the dues of the financial creditors having been cleared in terms of the OTS entered into with Respondent Nos.2 and 3, the liquidation proceedings ought to be withdrawn and the Corporate Debtor revived. The Applicant also sought copies of the applications filed by the Liquidator before this Tribunal and copies of the minutes of the SCC meetings. On 16.05.2026, the Applicant again sought withdrawal of the liquidation proceedings and called upon Respondent No.2 to place the No Due Certificate position before the Liquidator and this Tribunal.
- xiv. The Applicant states that the Liquidator did not include the proposed agenda relating to withdrawal of liquidation in the SCC meeting held on 19.05.2026. The Applicant thereafter issued further communications dated 24.05.2026 and 25.05.2026 seeking a meeting of the stakeholders and requesting copies of the SCC minutes and applications filed before this Tribunal. The Applicant states that the requested documents were not furnished to him.
- xv. On 27.06.2026, the Applicant addressed another communication to the Respondents and stakeholders seeking consideration of withdrawal of the liquidation proceedings and also furnished a legal opinion obtained by him concerning the withdrawal of the liquidation process. The Applicant thereafter addressed further communications seeking issuance of a No Due

Certificate from Respondent No.2 and details of the creditors of the Corporate Debtor.

- xvi. The Applicant states that, as the Respondents did not approach this Tribunal in relation to withdrawal of the liquidation proceedings despite the alleged clearance of the financial debt, he has approached this Tribunal by way of the present Application seeking recall of the liquidation order. The Applicant further states that the main petition was listed on 17.06.2026 in relation to applications filed by the Liquidator.
- xvii. The Applicant further asserts that the financial debts of the Corporate Debtor owed to the secured financial creditors have been cleared, and that he undertakes to repay the debts owed to the other creditors as admitted by the Liquidator, subject to verification. It is the Applicant's case that the payments were made with the intention of reviving the Corporate Debtor and continuing its business. The Applicant states that the Corporate Debtor is engaged in the manufacture and sale of wine and possesses various licenses relating to its factory, food safety, pollution control, weights and measures, manufacture and sale of wine and other statutory permissions. He further relies upon the financial statements of the Corporate Debtor for the period from 2008 to 2019, and states that, upon withdrawal of the liquidation order, he proposes to renew the licenses and recommence the business.
- xviii. The Applicant lastly states that, pursuant to the orders of this Tribunal, the wine and other assets continue to be available at the factory premises and that, if the Corporate Debtor is dissolved, the Applicant may not be in a position to give effect to the orders concerning salvage of the wine. On these premises, the Applicant seeks recall/withdrawal of the liquidation process and restoration of the Corporate Debtor, along with such further orders as this Tribunal may deem fit in the interests of justice and equity.

3. The Respondent/Liquidator had filed its Statement of objections and stated as follows:

- a) The Respondent/Liquidator of M/s. Alpine Wineries Private Limited has filed the Reply in his independent and neutral capacity, without prejudice to his duty to act in accordance with the provisions of the Code.
- b) It is stated that the relevant facts and developments concerning the settlement of the dues of the Corporate Debtor with the Financial Creditors were placed before the 69th meeting of the SCC held on 11.07.2026, and the minutes of the said meeting have been annexed with the Reply.
- c) The Respondent states that, during the said meeting, the authorized representative of PARAS” informed the SCC that the dues payable to the Financial Creditor had been fully discharged pursuant to the OTS entered into with the Applicant. It was further stated that, in view of the settlement, the Financial Creditor no longer had any commercial interest in pursuing the proceedings under Section 43 of the Code and that the issue relating to withdrawal could be considered.
- d) The Respondent further records that the Applicant, Mr. Raghavendra Gowda, submitted before the SCC that the transactions impugned in the proceedings under Section 43 pertained to a period significantly prior to the disbursement of the loan by the Financial Creditor. The Applicant also stated that the amounts concerned had been utilized towards purchase of agricultural land, which was thereafter mortgaged in favour of the Financial Creditor.
- e) The Applicant further represented before the SCC that he had invested substantial amounts in the Corporate Debtor and had become its largest stakeholder, and that he did not intend to allow the Corporate Debtor to be dissolved. He stated that the dues of the Financial Creditors had been settled pursuant to the OTS and sought revival of the Corporate Debtor and closure of the liquidation proceedings.

- f) The Respondent states that the Applicant also informed the Committee that Jammu & Kashmir Bank had already issued a No Objection Certificate and expressed an expectation that PARAS would similarly issue an NOC. The Liquidator, however, observed that issuance or acting upon such NOC, in the prevailing circumstances, could have an effect on the ongoing liquidation process and would place the liquidation proceedings in an uncertain position. Therefore, according to the Respondent, such action ought not to be undertaken without appropriate directions from this Tribunal.
- g) The Respondent further states that the authorized representative of the Financial Creditor clarified that the matter of withdrawal of the liquidation proceedings shall be subject to the directions and orders of this Tribunal. The representative also stated that PARAS had no objection to such an application seeking withdrawal of Liquidation.
- h) It is further stated that the 69th SCC took note of the aforesaid discussion; however, no resolution was passed altering the status of the liquidation proceedings pursuant thereto.
- i) The Liquidator states that he has maintained complete transparency throughout the liquidation process and has placed all material developments before the SCC. He has not independently taken any decision regarding withdrawal of the liquidation process, dissolution of the Corporate Debtor or its revival, as such matters fall within the domain of the Tribunal.
- j) The Respondent finally states that he has no personal, financial or other interest in the outcome of the present Application and adopts a position of neutrality between the Applicant and the Financial Creditor. He undertakes to abide by and give full effect to any order or direction that may be passed by this Tribunal concerning withdrawal of the liquidation process, revival of the Corporate Debtor or any other consequential matter.

4. There has been no other objection filed from any of the respondents. We have heard the learned Counsel for the Applicant, Liquidator in person and carefully perused the material on record including minutes of the 69th meeting of the SCC held on 11.07.2026.
5. The Corporate Debtor was admitted into CIRP on 17.12.2019 and subsequently ordered to be liquidated on 22.12.2021. During the liquidation process, the Applicant, who is the erstwhile Director and shareholder of the Corporate Debtor, pursued settlement with the Financial Creditors. Gradually, the Applicant executed One Time Settlement with Jammu & Kashmir Bank for Rs.10 Crores of which payment has been made and latter has issued a No-Dues Certificate. Correspondingly, the dues of PARAS have also been settled for Rs. 39 Crores and that liability is stated to have been fully discharged. The CIRP and Liquidation costs also have been met. The Liquidator verifies this position and states that he has no personal or financial interest in the matter and shall abide by the directions of this Authority.
6. The original Petitioner, PARAS has, in the 69th SCC meeting, informed the Committee that their dues having been fully discharged under OTS, they no longer have any commercial interest in pursuing the proceedings. They also exhibited no objection to an appropriate application being filed for withdrawal of Liquidation proceedings. Thus, both the Financial Creditors, whose financial exposure constituted the basis of the insolvency proceedings, have certified discharge of their dues and are not opposed to the present Application.
7. While so considering, we shall not lose sight of the objects and scheme of the Insolvency and Bankruptcy Code, 2016. The Hon'ble Supreme Court in ***Swiss Ribbons Pvt. Ltd. v. Union of India, [2019] 3 S.C.R. 535*** has held that the primary focus of the Code is to ensure revival and continuation of the Corporate Debtor, with

liquidation being a measure of last resort. The Court further recognised that the Code is not a mere recovery legislation for creditors, but a beneficial legislation intended, *inter alia*, to preserve the Corporate Debtor as a going concern, maximize the value of its assets and balance the interests of all stakeholders.

8. The aforesaid principle is of significance in this case. Liquidation is not an end in itself. It is a mechanism to be resorted to where the insolvency resolution process has failed and the value of the assets of the Corporate Debtor has to be realized and distributed in accordance with law. Where, however, the Financial Creditors have received the amounts agreed under the settlement and there is no subsisting commercial claim of the principal Financial Creditors requiring further liquidation of the Corporate Debtor's assets, continuation of liquidation merely as a matter of form would serve little purpose and may, in the facts of the present case, defeat rather than advance the objective of value maximization.
9. We are conscious of the fact that Section 12A of the Code operates in the CIRP framework and cannot mechanically be invoked as a statutory route for withdrawal after an order of liquidation has been passed. The present Application, however, is not premised to invoke Section 12A at the liquidation stage. The Applicant has approached under Section 60(5) read with Rule 11 seeking appropriate exercise of the inherent jurisdiction in the peculiar facts of the case. The question, therefore, is whether continuation of the liquidation process, notwithstanding complete settlement of the Financial Creditors' dues and concurrence of SCC including the Liquidator, more than mere absence of objections from the concerned Financial Creditors, would be consistent with and actually serve the objectives of Code. We cannot remain shackled with the procedural paradigm and lead the Corporate Debtor to doom and getting its tangible/intangible assets wiped off as against retaining its corporate entity and allowing it to stand-up and bloom in the hands of its creator who has been able to

suitably meet and satisfy its major financial liabilities and contribute to the national economy.

10. In this background, we see substance in the submissions of Applicant as well as the Liquidator that continuation of liquidation in the present factual matrix may result in the Corporate Debtor being reduced to a mere shell, despite the substantial financial claims having been settled and the existence of business undertaking, factory infrastructure, statutory licences and assets capable of being utilised for continuation of business. The Applicant has specifically placed on record the various licences of the Corporate Debtor and the previous financial statements of Corporate Debtor, and has expressed his intention to revive and continue the business.
11. At the same time, the jurisdiction of this Tribunal cannot be exercised so as to prejudice the legitimate rights of any other stakeholder. The fact that the Financial Creditors have been paid does not, by itself, mean that the claims, if any, of other stakeholders stand extinguished. The liquidation process has afforded the stakeholders an opportunity to lodge and pursue their claims. None of the operational creditors who had filed their claims either during CIRP or now during liquidation has come forward to resist the application or cause impediment for withdrawal of liquidation. Nevertheless, the interests of such creditors cannot be lost sight of merely because the claims of the Financial Creditors have been settled.
12. Probably finding himself in piquant situation when he would be required to complete all statutory/financial filings and realize the remaining assets of CD when there is no substantial stakeholder, virtually without the SCC/CoC, the Liquidator has adopted a neutral position. He has placed the settlement and developments before the SCC and states that the decision concerning withdrawal of liquidation, revival of the Corporate Debtor or its dissolution fall within the jurisdiction of this Authority.

13. For our afore-stated inclination in this case, we find support in *Maximus ARC Ltd. v. Mummaneni Vasra Laxmi (2026) ibclaw.in 746 NCLT*, wherein Hon'ble NCLT Hyderabad in its order dated 06.03.2026, proceeded on the basis that where the underlying debt has been fully settled and continuation of liquidation would neither advance value maximization nor further the overarching objectives of the Code, exercise of inherent jurisdiction could be justified to prevent an inequitable outcome.
14. Going by the wind, we find that the present case stands has reached a peculiar stage when the Financial Creditors of CD have stopped interacting after receipt of the settlement amounts, expressed their no objection in SCC for withdrawal of liquidation process or as this Authority may decide; the Liquidator has gone ascetic and no interested person including Operational Creditors has come forward to oppose the course prayed for. In such circumstances, continuation of liquidation will mar the objective of value maximization of CD besides being a futile exercise that would result in destruction or diminution of the value of an existing commercial undertaking. Necessary directions to preserve and save the interest of stakeholders including statutory authorities nevertheless will have to be issued to the applicant.
15. In view of the foregoing discussion, **I.A. No. 553 of 2026 is hereby allowed.** Consequently, the Corporate Debtor, **M/s. Alpine Wineries Private Limited** is taken out of the rigours by terminating further liquidation process at its current stage. The Liquidator shall, hand over the custody, control and management of the balance assets, properties, records, documents etc. of Corporate Debtor in its present status to its erstwhile Board of Directors against proper receipts. A copy thereof be filed by him with this Authority along with final liquidation report till date, **within one month** whereafter he shall stand discharged of his assignment in this case. He shall nevertheless remain bound to co-operate with the restored management of CD for preparation, completion and filing of statutory returns and representing before other Authority/department in respect of the CIRP/Liquidation period.

16. The aforesaid order shall be subject to the compliance of following directions:

- a) There shall be no extinguishment of any of the valid claims for or against the corporate debtor.
- b) The Restored Board of Directors of Corporate Debtor shall remain bound to discharge the admitted and verified liabilities of Operational Creditors including statutory authorities, employees and other creditors. Their claims to the extent they were admitted during CIRP and/or Liquidation shall be cleared within a period of **three months** herefrom.
- c) The Restored management of CD with the co-operation of Liquidator shall undertake and complete the filing of all outstanding and current statutory and tax returns of Corporate Debtor within a maximum period of **three months** from today.
- d) The Corporate debtor and its management may not release the wine bottles lying stacked in its premises for human or animal consumption without prior obtaining test reports from at least two independent Laboratories and certifying its efficacy.

17. It is made clear that nothing contained in this order shall absolve the Corporate Debtor, its erstwhile management or any other person liable in law from obligations arising under the Code or any other applicable law, nor shall the termination of the liquidation proceedings affect any proceedings or rights which are required to survive independently in accordance with law.

-Sd-

**RADHAKRISHNA SREEPADA
MEMBER (TECHNICAL)**

-Sd-

**SUNIL KUMAR AGGARWAL
MEMBER (JUDICIAL)**