

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH

(IB)-470(ND)2017

COARM:

PRESENT: MS. SAROJ RAJWARE
HON'BLE MEMBER(T)

MS. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 13.09.2019

NAME OF THE COMPANY: Sh. Amit Kumar Malik Vs. M/s. Kindle Developers
Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO. NAME DESIGNATION REPRESENTATION SIGNATURE

Present: Mr. Abhishek Pratap Singh for the RP
Mr. Vishal Johar, Advocate for Applicant

ORDER

CA 1048/2019 has been filed by the claimant whose claim has been rejected by the RP. The RP submits that the same has been done at it is not reflected on the books of accounts of the Corporate Debtor. It is well known that the books of Real Estate Companies are not properly maintained. There is no cogent explanation given by the RP that receipt evidencing the payment of Rs. 17 lakhs tendered to him, should be rejected. There has been a working arrangement between M/s. Shubham and the Kindle Developers. If an applicant has been able to show that he has paid a certain amount towards the allotment of flat, we see no reason for the same not to be considered merely because the books of accounts do not reflect a direct receipt but pursuant to the internal arrangement of the companies, the amount received from the applicant has been shown by way of journal entry.


(Sapna)



Ld. Counsel for the RP prays for disposal of his application CA 1073/2019. Be listed before the Ld. Registrar on 18th September, 2019.

Ld. Counsel has apprised this Bench that 270 days will expire on 16th October, 2019. He is directed to ensure that the resolution plan(s) received be placed before the COC. Report be filed.

No further directions are called for.



(Saroj Rajware)
Member (T)



(Ina Malhotra)
Member (J)

(Sapna)