

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH**

**CA No.300/2018, 165/2018, 290/18**

**In**

**CP (IB) No.37/Chd/Pb/2017**

**In the matter of:-**

Hero Steels Limited	...	Petitioner-Operational Creditor
Versus		
Rolex Cycles Private Limited	...	Respondent-Corporate Debtor

**And in the matter of:-**

Liquidator of Rolex Cycles Private Limited	...	Applicant-Liquidator
Versus		
Ashwani Kumar Prabhakar, Proprietor of M/s Prabhakar Cycle Industries and Others		...Respondents

Present: Mr. Anil Kumar Aggarwal, Advocate, for the Applicant-Liquidator  
Ms. Divya Sharma, Advocate, for Mr. Munish Jain, Advocate for Respondent No. 1,3 to 5 in CA No.290/18 and for Respondent No. 1 and 3 in CA No.300/2018  
Mr. Sahil Sharma, Advocate, for Respondent No.9 in CA No.290/2018  
Mr. Nahush Jain, Advocate, for Respondent No.8, in CA No.290/2018  
Mr. Gurmeet Singh, Respondent No.16, in person

**CA No.300/2018**

As per office report, affidavit of service has been filed vide Diary No.3390 dated 10.09.2018. Ms. Divya Sharma Advocate for Mr. Munish Jain, Advocate, has put in appearance on behalf of Respondent No. 1 and 3 and has filed memo of appearance. The same be taken on record. With regard to respondent No. 4, M/s Kumar Alloys, the report purportedly made by Postal Department on the registered parcel is that the addressee is not known. For

respondent No.5, M/s M.D. Industries, the envelope has been returned, but the postal remark is not legible. The partners of M/s M.D. Industries are Ms. Malika Prabhakar and Ms. Devika Prabhakar, who are said to be daughters of respondent No.1 and 2. The notice to respondent No.2 has been received with the report 'returned undelivered'. It is submitted by learned counsel that the same was returned by Ashwani Prabhakar and he has communicated to the liquidator that divorce proceedings are pending between him and respondent No.2. The learned counsel for the Liquidator has submitted that there are huge number of transactions with M/s Kumar Alloys entered into by the corporate debtor which is under liquidation. In order to know the particulars of the partners of M/s M.D. Industries, M/s Kumar Alloys and the present address of Ms. Kanchan Prabhakar, we direct Mr. Ashwani Prabhakar to appear in person on the next date and continue to appear on the further dates till he is exempted. List the application on 24.10.2018. The reply by respondent No. 1 and 3 be filed at least a week before the date fixed.

### **CA No.290 of 2018**

Ms. Divya Sharma, Advocate, for Mr. Munish Jain, Advocate, has put in appearance on behalf of respondent No. 1 and 3 to 5 and has filed the Power of Attorney on their behalf. The same be taken on record. As per office report, the petitioner has filed the affidavit of service, vide Diary No.3376 dated 07.09.2018. Mr. Nahush Jain, Advocate, has filed Memo of Appearance for respondent No.8. It is submitted that the Power of Attorney and Resolution of Board will be filed with the reply. Mr. Sahil Sharma, Advocate has appeared for respondent No.9 and has filed Power of Attorney. The same be taken on

record. Respondent No.16, Gurmeet Singh, stated to be proprietor of respondent No.16, is present in person. Respondent No.10, 12, 13 and 15, who have also been served are not present and they are proceeded against ex-parte.

The learned counsel for the applicant/liquidator submits that as per reports made on the registered article of respondent No.6, it is reported that the respondent has left that address. For respondent No.7 it is returned unserved with the remark as 'insufficient address'. Similar are the reports for respondent No.11 and respondent No. 14.

We are satisfied that service of respondent Nos. 6, 7, 11 and 14 cannot be made, except through substituted mode. These respondents be served through publication in "Indian Express" (English) and "Daily Ajit" (Punjabi) both Punjab/Chandigarh Editions. The applicant shall collect the notice of publication from the Registry and shall publish the same positively within seven days for 24.10.2018.

For respondent No.2, Kanchan Prabhakar, the learned counsel for respondent No.1 submits that she would supply the address of this respondent as given in the divorce petition or the current address, available to respondent No.1 within one week to the counsel for the liquidator and thereupon, fresh notice be issued to respondent No.2 for the date already fixed.

### **CA No.165 of 2018**

The learned counsel for the applicant/liquidator submits that the compliance of instructions contained in the e-mail of the liquidator sent on

22.06.2018 for furnishing of documents has not been made. The respondent No.1, as already directed, shall appear in person and file affidavit as to why the compliance has not been made. List this application on 24.10.2018.

Sd/-  
(Justice R.P. Nagrath)  
Member (Judicial)

Sd/-  
(Pradeep R.Sethi)  
Member (Technical)

September 14, 2018  
Mohit Kumar