

NATIONAL COMPANY LAW TRIBUNAL  
GUWAHATI BENCH

Dy. No.3 (093) of 2018

Under Section 7 of the Insolvency & Bankruptcy Code, 2016 read with Rule 4 of the Insolvency & Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

Bank of India	... Financial Creditor
-Versus-	
M/s. Maxim Infrastructure & Real Estate Pvt. Ltd.	... Corporate Debtor

Order delivered on 25<sup>th</sup> July, 2018

Coram:

Present: Hon'ble Mr Justice P. K. Saikia, Member (J)

**ORDER**

This authority on the last occasion passed the following order on 19<sup>th</sup> July, 2018: -

**"ORDER**

*Mr. Subrata Dutta, learned counsel appears for the financial creditor, namely Bank of India. Seen the note of the Registry. It appears that the application filed suffers from some defects.*

2. *In the meantime, Mr. P. Shome, learned counsel appearing for the corporate debtor, M/s. Maxim Infrastructure & Real Estate Pvt. Ltd. has requested for some time to file affidavit-in-opposition against the prayer made in the application.*

3. *On hearing the parties, one weeks' time is granted to the corporate debtor for filing objection. The CD is further directed to furnish simultaneously, a copy of the objection to the financial creditors. The financial creditor, if so desires, may file its reply within 3(three) days there from.*

4. *List the matter on 03-08-2018."*

2. The learned counsel appearing for the financial creditor submits that on the last occasion i.e. on 19<sup>th</sup> July, 2018, this Authority, on going through the records, in the open court opined that this application does not suffer from any infirmity and accordingly, the corporate debtor namely, M/s. Maxim Infrastructure & Real Estate Pvt. Ltd. was directed to file their affidavit-in-opposition, if any, against the prayer made in the application.

3. Unfortunately, there was some mistakes in the order dated 19<sup>th</sup> July, 2018, stating that the application still suffers from some defects. This, however is not correct.

4. The corporate creditor has filed affidavit-in-opposition against the prayer made in the application. The learned counsel appearing for the financial creditor has prayed that he will be given some accommodation to file rejoinder thereto. Accordingly, his prayer is accepted. The financial creditor is allowed 5 (five) days' time to file rejoinder, supplying simultaneously copy thereof to the financial creditor.

5. In view of above, the order dated 19<sup>th</sup> July, 2018 stands corrected as stated in Para 2. However, as stated hereinbefore, the matter is ordered to be listed on 03<sup>rd</sup> August, 2018 for ~~filing of affidavit-~~  
in-opposition from the side of the corporate debtor. *hainp*

*Sd/-*

(Adjudicating Authority)  
National Company Law Tribunal  
Guwahati Bench: Guwahati.

Dated Guwahati, the 25<sup>th</sup> July, 2018  
*Deka/25-07-2018*

//Guard File//