

**IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT NO. IV, NEW DELHI**

(IB)-539/ND/2018

In the matter of :

M/s. S. P. Packagings
Vs.
M/s. Cox India Ltd.

....**Applicant**

....**Respondent**

Under Section: 9 of IBC Code, 2016.

Order delivered on 07.08.2018

CORAM

**DR. DEEPTI MUKESH,
HON'BLE MEMBER (J)**

For the Applicant : Mr. Nikhil Mishra, Advocate
For the Respondent : Mr. Rahul Kumar, Advocate

ORDER

Today a very peculiar situation in this application has arisen. The applicant has filed an application under Section 9 of Insolvency & Bankruptcy Code, against the corporate debtor relying upon the master data submitted by the applicant which shows the status of the corporate debtor as 'Amalgamated'. The learned counsel appearing on behalf of the M/s. Jagpin Beverages Private Limited the resulting company under the scheme of amalgamation appears and states that though they are not party to the proceedings, under the amalgamation scheme they had accepted the responsibility of the amalgamated company namely The Cox India Limited. As a law abiding citizen, they appear and would like to appraise the Court of the factual position as on date. It is seen from the application that

the Section 8 notice was sent to the Cox India Limited which was not in existence as on that date but mistakenly the notice was received at Chhatarpur (Madhya Pradesh) on behalf of the corporate debtor and reply was also filed by an advocate on behalf of the corporate debtor which in eyes of law is non-est/without any effect of law. The learned counsel for the applicant seeks time to take instructions in the matter. For further consideration on 28.08.2018.

Mukesh

Sd/-
(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)

