

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH

(IB)-346/ND/2018

CORAM:

**PRESENT: MS. DEEPA KRISHAN
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 07.09.2018**

**NAME OF THE COMPANY: M/s. Ultimate Infracity Pvt. Ltd. V/s. M/s. Bullan
Buildtech Pvt. Ltd. & Ors.**

SECTION OF THE COMPANIES ACT: 9 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present: Counsel for the Petitioner

ORDER

CA 376/2018 has been filed by the Operational Creditor praying for restoration of the original petition no. IB-346/ND/18 entitled "M/s Ultimate Infracity Pvt. Ltd. V/s. M/s Bulland Buildtech Pvt. Ltd. & Ors." The said petition had been withdrawn in view of a compromise effected. The prayer for restoration is being made because the post-dated cheques given to the Operational Creditor have not been honoured. Ld. Counsel for the Operational Creditor has relied upon a decision of the NCLAT in the matter of Company Appeal (AT) Insolvency No. 259 of 2017 in the matter of Somany Ceramics Ltd. V/s. Era Infra Engineering Ltd.

The facts of the case do not apply to the present case as it pertains to only dismissal in default for which restoration was allowed. Given the facts of the


(Sapna)

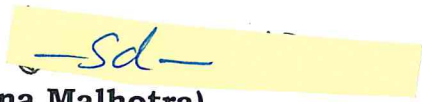
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case, this Bench is of the opinion that a fresh cause of action has accrued in favour of the Operational Creditor who has liberty to file another petition.

This application does not merit any consideration and is being dismissed. The petitioner is at liberty to file fresh petition on the fresh cause of action.

CA 376/2018 stands disposed off.


(Deepa Krishan)
Member (T)


(Ina Malhotra)
Member (J)