

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH**

I.A No. 412/2018

in

C.P (IB) No. 92/BB/2018

U/r 38(4) of the NCLT Rules, 2016

R/w Order 5, Rule 20(1A) & Section 151 of CPC,1908

**In the matter of**

**Shri P. Pradeep Kumar,**

No.3, Mallige Mane,

4<sup>th</sup> 'A' Main 1<sup>st</sup> Cross, Chandramma Layout,

Doddbanaswadi,

Bengaluru-560043 & others. -

Applicants/Financial Creditor

**Versus**

**M/s Gruha Kalyan Housing Projects Private Limited,**

# 32/A, 9<sup>th</sup> Main, 6<sup>th</sup> Sector,

HSR near Empire Hotel,

Bengaluru-560102 -

Respondent/Corporate Debtor

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)

2. Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

**Date of Order: 29<sup>th</sup> November, 2018**

For the Applicant/Petitioner : Ms. Sethulakshmi, Advocate.

For the Respondent : NIL

**ORDER**


Per: **Rajeswara Rao Vittanala, Member (J)**

- 1) I.A No. 412/2018 in C.P (IB) No.92/BB/2018 is filed by **Shri P. Pradeep Kumar**, Applicant/Petitioner, under Rule 38(4) of NCLT Rules, 2017, R/w Order 5, Rule 20(1A) & Section 151 of CPC, 1908 by inter-alia seeking to order to issue Notice to the registered address of the Corporate Debtor by way of paper publication in both English newspaper "**New Indian Express**" and in "**Kannada Prabha**" Kannada newspaper, in the interest of justice and equity.



- 2) Heard Ms. Sethulakshmi, learned Counsel for Applicants/ Financial Creditor. The learned Counsel submit that, in pursuant to order for issue of notice by this Tribunal dated 12/10/2018 the notice was taken personally to the premises of the Corporate Debtor on 16/10/2018 and found that the door of the premises was closed. Again another notice was sent through Registered Post on 20/10/2018 with Acknowledgment Due and the same was also returned unserved. It is also came to know, as per Ministry of Corporate Affairs (MCA) website the Company of the Corporate Debtor is still active, and is deliberately evading to receive the said notices issued with malafide intention. Therefore, it is necessary to permit them to issue paper notification as substituted reserve of notice.
- 3) We have considered the extant provisions of law, it is just and proper to permit the Applicant/Financial Creditor to issue paper notification as prayed for.
- 4) In the result, I.A No. 412/2018 in C.P (IB) No. 92/BB/2018 is hereby allowed, by permitting the Applicant/Financial Creditor to issue paper notification in both English newspapers viz., "**New Indian Express**" and in Kannada newspaper "**Kannada Prabha**", in the jurisdiction, where the Company is situated.

  
(ASHOK KUMAR MISHRA)  
MEMBER, TECHNICAL

  
(RAJESWARA RAO VITTANALA)  
MEMBER, JUDICIAL

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